

1 OFFICE OF THE ZONING HEARING EXAMINER  
2 FOR PRINCE GEORGE'S COUNTY  
3  
4

5 -----X  
6 :  
7 :  
8 STRICKLAND FUNERAL HOME : Case No. SE-4795  
9 :  
10 :  
11 -----X  
12

13 A hearing in the above-entitled matter was held on  
14 February 19, 2020, at the Prince George's County Office of  
15 Zoning, County Administration Building, Room 2174, Upper  
16 Marlboro, Maryland 20772 before:  
17  
18  
19  
20  
21  
22  
23  
24  
25

Maurene McNeil  
Hearing Examiner



ORIGINAL

A P P E A R A N C E S

On Behalf of the Applicant:

Russell Shipley, Esq.

Bradley Farrar, Esq.

On Behalf of People's Zoning:

Stan Brown

\* \* \* \* \*

|                              | <u>Page</u> |
|------------------------------|-------------|
| Testimony of Morgan Walubita | 6           |
| Testimony of Eric Strickland | 36          |
| Testimony of John Ferrante   | 76          |
| Testimony of Janice Liggins  | 90          |
| Testimony of Raycena Moyer   | 92          |

\* \* \* \* \*

| <u>Exhibits</u> | <u>Marked</u> |
|-----------------|---------------|
| Exhibit No. 25  | 9             |
| Exhibit No. 26  | 8             |
| Exhibit No. 27  | 38            |
| Exhibit No. 29  | 42            |



P R O C E E D I N G S

MS. MCNEIL: Okay. Good morning everyone, it's February 19, 2020, we're here on Special Exception 4795 a request by Eric D. Strickland and the Strickland Funeral Home to construct and operate a funeral home and an accessory or ancillary reception hall on property in, what is that, Lanham?

UNIDENTIFIED PERSON: It's actually Mitchellville.

UNIDENTIFIED PERSON: Mitchellville.

MS. MCNEIL: In Mitchellville, Maryland and I'm Maurene McNeil, I'll be the Hearing Examiner today. If counsel would identify themselves for the record.

MR. SHIPLEY: Yes, Russell Shipley.

MR. FARRAR: Bradley Farrar.

MR. BROWN: Stan Brown, People's Zoning Council.

MS. MCNEIL: Now is there anyone here in opposition to this request?

UNIDENTIFIED PERSON: Yes.

MS. MCNEIL: Okay. So just so that you know that everything is being recorded, that's for everybody in the room, so we have to keep talking at a minimum back there and speak clearly one at a time up here. And if you have any questions of any witness, you have a right to ask them. So if you'd just raise your hand or just walk up and then once you come up you'll state your name for the record and then

1 ask your question. And then when they're finished or if we  
2 go out of order, we don't have to go in this order, but  
3 generally they'll go first and when they finish you can come  
4 up and explain what your issues are with the request. Okay?  
5 Okay. Yes, ma'am?

6 UNIDENTIFIED FEMALE PERSON: I just wanted to know  
7 is there opportunity for anyone else who has a comment?

8 MS. MCNEIL: Yes, if you're not in opposition,  
9 does the applicant know about you? They may call you --

10 UNIDENTIFIED FEMALE PERSON: Yes.

11 MS. MCNEIL: -- as a witness or --

12 UNIDENTIFIED FEMALE PERSON: Okay.

13 MS. MCNEIL: -- if not, you raise your hand and  
14 let me know what you want to say as well.

15 UNIDENTIFIED FEMALE PERSON: Thank you.

16 MS. MCNEIL: Okay.

17 MR. SHIPLEY: Yes, good morning, my name is  
18 Russell Shipley and Brad Farrar and I represent the  
19 applicant Eric Strickland and Strickland Funeral Home for  
20 this Special Exception which is located at the southwest  
21 corner of the intersection of Belvedere and 193 which is  
22 normally known as Enterprise Road. The address of the  
23 property is actually listed in Bowie, but this is an  
24 incorporated area which I would generally refer to as  
25 Mitchellville, Maryland.

1           The subject property was the previous subject of a  
2 Special Exception many years ago for a garden center and  
3 it's been operated on the property for many years and now  
4 has been closed.

5           The property consists of about 7.4 acres. It's  
6 zoned R-R, the Special Exception is for a funeral home and a  
7 repast center, which is basically a community center. They  
8 would occupy about 20,000 square feet with the funeral home  
9 being 12,000 square feet and the repast center being about  
10 9,000 square feet. So Exhibits 20A and B represent the  
11 architecture and the Site Plan with the signage et cetera  
12 and the size of the reception area of the funeral home,  
13 where it is set up for not only viewing but also the funeral  
14 ceremonies do take place.

15           The technical staff recommends approval with  
16 conditions. We are satisfied with the Technical Staff  
17 Report and we agree to all the conditions except for one and  
18 that is the recommendation contained on page 16 of the  
19 Technical Staff Report, Number 1(b). One says prior to  
20 certification of the Special Exception the Site Plan shall  
21 be revised and followed and (b) says revised the sign to a a  
22 maximum of 25 square feet. We would agree to a sign within  
23 50 square feet which we feel and we'll bring up  
24 (indiscernible) is actually indicated by the sign ordinance.  
25 We feel that the staff's recommendation and their reference

1 in the Staff Report which is covered I think on page --

2 MS. MCNEIL: 15?

3 MR. SHIPLEY: Well 15 is the condition.

4 MS. MCNEIL: No, at the top of 15.

5 MR. SHIPLEY: At the top of 15.

6 MS. MCNEIL: On mine, yes --

7 MR. SHIPLEY: Yes.

8 MS. MCNEIL: -- the condition was on page 16. I'm  
9 sorry.

10 MR. SHIPLEY: Yes. Yes, the 15 the recommendation  
11 is on 16 and they talk about the sign being controlled by a  
12 section of the sign ordinance (indiscernible) in direct  
13 reference and we'll offer testimony to support that. With  
14 that, I'd like to call Mr. Walubita, who is a professional  
15 engineer from Ben Dyer Associates (indiscernible).

16 MS. MCNEIL: And before I swear you in, make sure  
17 you spell your name for me.

18 MR. WALUBITA: I will.

19 (Discussion off the record.)

20 MS. MCNEIL: Okay. Just state and spell your name  
21 for me.

22 MR. WALUBITA: Morgan Walubita, spelled, the last  
23 name is spelled W-A-L-U-B as in boy, I-T-A.

24 MS. MCNEIL: Mr. Walubita, do you swear or affirm  
25 under the penalties of perjury that your testimony will be

1 the truth and nothing but the truth?

2 MR. WALUBITA: Yes, I do.

3 MR. SHIPLEY: Yes, Mr. Walubita, what is your  
4 profession or occupation?

5 MR. WALUBITA: I'm a professional civil engineer,  
6 licensed in the State of Maryland.

7 MR. SHIPLEY: And do you work for (indiscernible)?

8 MR. WALUBITA: I work for Ben Dyer Associates.

9 MR. SHIPLEY: And you're a licensed engineer in  
10 Maryland and the District of Columbia, how long have you  
11 been licensed as a professional engineer?

12 MR. WALUBITA: I've been licensed in the State of  
13 Maryland since 2007.

14 MR. SHIPLEY: Okay, what is your educational  
15 background?

16 MR. WALUBITA: I have a Bachelor's Degree in civil  
17 engineering from the University of the District of Columbia.

18 UNIDENTIFIED PERSON: (Indiscernible).

19 MR. SHIPLEY: No, can you hear him back there?  
20 Could you hear it?

21 UNIDENTIFIED PERSON: No.

22 MR. SHIPLEY: Try to keep your voice up.

23 MR. WALUBITA: Sure. I have a Bachelor's Degree  
24 from the University of District of Columbia.

25 MR. SHIPLEY: And you've been a professional



1 engineer since 2007?

2 MS. MCNEIL: Wait one second, Mr. Shipley. We  
3 were trying to turn the mic up but maybe we can't do that.

4 (Discussion off the record.)

5 MR. SHIPLEY: And in your position as a  
6 professional engineer you're resume describes your principal  
7 duties in terms of offering and preparing plans and so  
8 forth. Are they relied on by various state, county,  
9 municipal agencies or federal agencies in issuing permits  
10 for the development of property?

11 MR. WALUBITA: Yes, they, they have been approved  
12 for the development of property, the plans that I've  
13 prepared.

14 MR. SHIPLEY: And have you ever qualified as an  
15 expert witness before any court or administrative agency?

16 MR. WALUBITA: No, I have not.

17 MR. SHIPLEY: Okay. I would offer Mr. Walubita as  
18 a professional engineer licensed in the State of Maryland  
19 and I'd like to offer as an exhibit a copy of his resume.

20 MS. MCNEIL: That will be Exhibit 26.

21 (Hearing Exhibit No. 26 was  
22 marked for identification.)

23 MS. MCNEIL: 25 being the Enterprise Road Corridor  
24 Development Review District's letter.

25 (Hearing Exhibit No. 25 was

1 marked for identification.)

2 MR. SHIPLEY: Okay.

3 MS. MCNEIL: Mr. Brown, any voir dire?

4 MR. BROWN: Yes. Mr. Walubita, I have here your  
5 Exhibit 26 which appears to be your one page resume, is that  
6 correct?

7 MR. WALUBITA: Yes.

8 MR. BROWN: When did you prepare this document?

9 MR. WALUBITA: This document was prepared in my,  
10 by myself in the office this year.

11 MR. BROWN: In the last week?

12 MR. WALUBITA: Yes.

13 MR. BROWN: Okay. It says here you graduated in  
14 2002, is that correct?

15 MR. WALUBITA: That is correct.

16 MR. BROWN: And did you also commence working at  
17 Ben Dyer in 2002?

18 MR. WALUBITA: Yes, I did as a civil engineer in,  
19 in May 2002.

20 MR. BROWN: What was your actual position at Ben  
21 Dyer in 2002?

22 MR. WALUBITA: Civil engineer, I was --

23 MR. BROWN: And what is your position today?

24 MR. WALUBITA: I am an associate in the, in the,  
25 at the same firm that is my position.

1 MR. BROWN: All right. What's the difference  
2 between being an associate today and your title just as  
3 civil engineer in 2002?

4 MR. WALUBITA: I have, I'm a part owner of the, of  
5 the business.

6 MR. BROWN: So an associate is an owner of Ben  
7 Dyer?

8 MR. WALUBITA: Correct.

9 MR. BROWN: So you have a percentage of the  
10 ownership?

11 MR. WALUBITA: That is correct.

12 MR. BROWN: All right. So in 2002 you were hired  
13 as an employee, correct?

14 MR. WALUBITA: That is correct.

15 MR. BROWN: And you were an employee from 2002  
16 until what time?

17 MR. WALUBITA: Until 2015.

18 MR. BROWN: All right. Then tell me what  
19 specifically were your job duties between 2002 and 2015?

20 MR. WALUBITA: In from 2002 I was hired as a, when  
21 I was hired as a civil engineer I designed plans and then I  
22 worked my way up to --

23 MR. BROWN: Designed what kind of plans? Site  
24 Plans? Storm Water Management Plans? What?

25 MR. WALUBITA: I designed Site Plans, Storm Water



1 Management Plans, Sediment Erosion Control Plans, and  
2 associated traffic plans for permitting.

3 MR. BROWN: Yes. And so since 2015 until the  
4 current date what were your job duties or are your job  
5 duties?

6 MR. WALUBITA: Of, of going through design  
7 engineer to running the design department, the engineering  
8 department, which is currently my position in terms of  
9 running, in the, in the, in the office I'm actually a  
10 section head for the Design Engineering Department.

11 MR. BROWN: So primarily your job duties today are  
12 administrative?

13 MR. WALUBITA: They are largely overseeing the  
14 design and coordinating permitting.

15 (Discussion off the record.)

16 MS. MCNEIL: Sorry.

17 MR. BROWN: All right.

18 MR. WALUBITA: That's all right.

19 MR. BROWN: So Mr. Walubita, I was asking you what  
20 are you job duties today?

21 MR. WALUBITA: Today I oversee the design --

22 MR. BROWN: Yes.

23 MR. WALUBITA: -- and coordinate plan preparation  
24 with my various engineer, professional engineers and  
25 engineers and I also certify sign plans for permitting.

1 MR. BROWN: Yes. So from 2002 to 2020, 18 years,  
2 you have never sought to be qualified as an expert in civil  
3 engineering in 18 years?

4 MR. WALUBITA: No, I haven't.

5 MR. BROWN: Why not?

6 MR. WALUBITA: Because the, I, I was not called to  
7 asked to do it. We've, we've got quite a lot of qualified  
8 people in our office that have done it in my, in the past.

9 MR. BROWN: Yes.

10 MR. WALUBITA: For the various plans that we've  
11 prepared.

12 MR. BROWN: Yes. Are you a member of any  
13 professional associations concerning civil engineering?

14 MR. WALUBITA: Yes. The Association of Civil  
15 Engineers, American Association of Civil Engineers, Maryland  
16 Professional Engineers --

17 MR. BROWN: Yes.

18 MR. WALUBITA: -- and the Building Industry  
19 Association.

20 MR. BROWN: Yes. Have you taken any continuing  
21 professional education courses since 2002?

22 MR. WALUBITA: Yes, I take the, I'm required to,  
23 to take by the state, by the State of Maryland I'm required  
24 to take 24 credits. They've since reduced it to 16, I was  
25 required to take 24 and they reduced it to 16 credits. I

1 usually take more than 24 credits every year --

2 MR. BROWN: Yes.

3 MR. WALUBITA: -- of continuing education.

4 MR. BROWN: Yes. So Mr. Shipley, you're offering  
5 him today as an expert in civil engineering for Storm Water  
6 Management Plan or --

7 MR. SHIPLEY: Just as an expert in civil  
8 engineering.

9 MR. BROWN: Generally?

10 MR. SHIPLEY: Yes.

11 MR. BROWN: Yes. But he's going to testify about  
12 the Storm Water Management Plan?

13 MR. SHIPLEY: He's going to testify as the  
14 principal author and approving agent of the Site Plan which  
15 was filed with this application.

16 MR. BROWN: All right. I will not object to his  
17 qualification today, but you need to update this resume.  
18 One page, it's very sparse, you only did it a week ago,  
19 you've got to be a little bit more umph to it, you know --

20 MR. WALUBITA: Okay.

21 MR. BROWN: -- tell me about the associations,  
22 tell me about the continuing education, tell me about any  
23 publications that you --

24 MS. MCNEIL: Any projects you've worked on in  
25 Prince George's or nearby.

1 MR. BROWN: Yes. Identify, itemize those projects  
2 you've worked on so that we have something we can hang our  
3 hat on.

4 MR. WALUBITA: Okay.

5 MR. BROWN: But I will not object today.

6 MS. MCNEIL: I have no objection, so he'll be  
7 admitted as an (indiscernible) civil engineering.

8 MR. SHIPLEY: Sir, I'd like to show you this plan,  
9 you know the opponent, could they take a seat where they can  
10 see better?

11 MR. BROWN: Yes, they can come up here.

12 MS. MCNEIL: Yes.

13 MR. BROWN: They can come up here.

14 MR. SHIPLEY: Could you come up? Do you want to  
15 come up?

16 MR. BROWN: The opposition, would you like to come  
17 up here so you can see this plat?

18 MR. SHIPLEY: Do you want to come up so you can  
19 see everything better?

20 (Discussion off the record.)

21 MS. MCNEIL: Mr. Farrar, are we looking at the  
22 Site Plan I have?

23 MR. FARRAR: Yes, we're looking at the Site Plan  
24 that you have, Madam Hearing Examiner, for the record it's  
25 in your --

1 MS. MCNEIL: Exhibits 15A and B?

2 MR. FARRAR: -- Exhibits 15A, yes, and B.

3 MS. MCNEIL: When you get a chance, not to stop

4 Mr. Shipley, will you look at 14 as well and just tell me is

5 it a duplicate? Why do we have both?

6 MR. BROWN: Grab that chair as well.

7 MS. MCNEIL: Here's 14.

8 MR. BROWN: Could you put both chairs --

9 MR. SHIPLEY: Grab a char.

10 MS. MCNEIL: Here's 14.

11 UNIDENTIFIED PERSON: Thank you.

12 MS. MCNEIL: I think it's that.

13 MR. BROWN: Have you signed up as a person in

14 opposition?

15 UNIDENTIFIED PERSON: Yes, sir.

16 MR. SHIPLEY: Yes, they signed up. I told them

17 the hearing was on the fifth floor but they didn't believe

18 me.

19 MR. BROWN: Right.

20 (Discussion off the record.)

21 MS. MCNEIL: Okay. So you're looking at 14A right

22 now?

23 MR. SHIPLEY: Right. This is 14A?

24 MS. MCNEIL: Yes.

25 MR. SHIPLEY: A copy of 14A?

1 MS. MCNEIL: And B, yes.

2 MR. SHIPLEY: Mr. Walubita, I'd like to show you  
3 what's been marked as Triangle 7 for Special Exception 4795  
4 which is a copy of Exhibit 14A and it is the Detailed Site  
5 Plan that was accompanied by the application for the Special  
6 Exception. Do you recognize this document?

7 MR. WALUBITA: Yes, I do.

8 MR. SHIPLEY: And would you take us through it  
9 please in terms of describing the buffer planting, the  
10 location of the buildings, the size of the property, the  
11 access to the property and any signage that were prepared to  
12 be erected on Enterprise Road.

13 MR. WALUBITA: I certainly can. Thank you.

14 MR. FARRAR: And Mr. Walubita, can you please keep  
15 your voice up so for the record, please?

16 MR. WALUBITA: Thank you.

17 MR. BROWN: Do you guys want to put this on one of  
18 these easels or not? Or is that sufficient?

19 THE CLERK: Or on the screen.

20 MS. MCNEIL: Can it go on the screen?

21 MR. FARRAR: It's too big.

22 MR. BROWN: It's too big for the screen.

23 MR. SHIPLEY: This is okay for us.

24 MR. FARRAR: This is sufficient.

25 MR. BROWN: Okay. All right. Okay. If you guys



1 can see, fine. All right. Go ahead.

2 MR. SHIPLEY: They can see it.

3 MR. BROWN: All right. Go ahead.

4 MS. MCNEIL: It's not so great for me.

5 MR. BROWN: Right.

6 MS. MCNEIL: I need to see it because you'll be  
7 touching that one and I'll be over here. Could we put it on  
8 the easel?

9 MR. SHIPLEY: Okay.

10 MR. BROWN: Right.

11 MS. MCNEIL: And get somebody, and it can over  
12 there by you as long, if you don't mind.

13 MR. WALUBITA: Okay.

14 MS. MCNEIL: Okay. Thank you, Mr. People's Zoning  
15 Council.

16 UNIDENTIFIED PERSON: Yes.

17 MS. MCNEIL: Mr. Shipley, while they're putting  
18 that up you confused me. You said this was the Detailed  
19 Site Plan that accompanied the Special Exception, but you  
20 didn't mean that, did you? It's the Special Exception Site  
21 Plan, correct?

22 MR. FARRAR: The Site Plan.

23 MR. SHIPLEY: The Special Exception Site Plan. I  
24 didn't mean Detailed Site Plan as defined by --

25 MS. MCNEIL: I thought maybe they forced you to do

1 one.

2 MR. SHIPLEY: No, no, no, that comes later.

3 MR. FARRAR: Can everybody see it?

4 MR. BROWN: Yes.

5 MS. MCNEIL: Yes.

6 MR. WALUBITA: The site, I will try to orient you  
7 north is up on this sheet and Enterprise Road is this road  
8 that borders the property on the east. The northern road  
9 that is Belvedere, planned access is off of Belvedere into  
10 the site. The site as was described is used as a nursery,  
11 it's currently closed. We have some trees along 193 and  
12 some on Belvedere, along Belvedere. This road, Venison Lane  
13 which is also the road that leads into the property but as  
14 you can see is not slated for access. The building's  
15 location of the building, the funeral home is slated to be  
16 in this location and the repast hall is slated to be in that  
17 location.

18 MS. MCNEIL: And Mr. Walubita, could you say in  
19 this location for the funeral home is that the southwest,  
20 what area of the site --

21 MR. BROWN: Southeast.

22 MS. MCNEIL: -- okay.

23 MR. BROWN: The southeast corner.

24 MS. MCNEIL: Thank you.

25 MR. BROWN: Yes.



1 MR. WALUBITA: It is southeast.

2 MS. MCNEIL: And the reception hall?

3 MR. WALUBITA: Southeast on the west.

4 MR. BROWN: Northwest.

5 MS. MCNEIL: It's southeast.

6 MR. BROWN: Northwest on the property.

7 MR. WALUBITA: Northwest.

8 MS. MCNEIL: Thank you.

9 MR. SHIPLEY: And the parking, did you calculation  
10 the parking spaces separately for each use?

11 MR. WALUBITA: So there --

12 MR. SHIPLEY: In other words, did you do the  
13 parking schedule that's required for the funeral home and a  
14 parking schedule that's required for the repast hall and add  
15 them together to come up with the required parking?

16 MR. WALUBITA: That is correct. The required  
17 parking was tabulated separate and the requirement for the  
18 funeral home is at the rate of one to four and the  
19 requirement for the reception hall is at the rate of one to  
20 three, which is, we put those together to come up with the  
21 250 parking spaces that are proposed on this Site Plan.

22 MR. SHIPLEY: When you say one to four, one to  
23 four square feet?

24 MR. WALUBITA: No.

25 MR. SHIPLEY: One to every, what does one to four

1 mean?

2 MR. WALUBITA: So it's one parking space to every  
3 four occupants, every four people.

4 MR. SHIPLEY: Occupants?

5 MR. WALUBITA: Correct.

6 MR. SHIPLEY: And the reception hall is one for  
7 every three occupants?

8 MR. WALUBITA: For every three, so the reception  
9 hall would be part more, a little more than the funeral home  
10 would be.

11 MR. SHIPLEY: Yes. And you've designed an  
12 entrance on Belvedere and that's the sole entrance to the  
13 property?

14 MR. WALUBITA: That is correct.

15 MR. SHIPLEY: And the Enterprise Road Corridor  
16 Committee suggested and the staff indicates that that should  
17 be modified or slightly to provide access, better turning  
18 movements into the property?

19 MR. WALUBITA: Yes, they do.

20 MR. SHIPLEY: Has that been put into that plan or  
21 that is a condition which you feel professionally can be  
22 complied with?

23 MR. WALUBITA: I believe that's a condition that  
24 we can comply with.

25 MR. SHIPLEY: Right.

1 MR. WALUBITA: Yes.

2 MR. SHIPLEY: And the signage, where is the  
3 signage for the property?

4 MR. WALUBITA: The signage that is proposed is 10  
5 feet off the property line in this location which is to the  
6 west of the property.

7 MR. SHIPLEY: And is that sign situated  
8 perpendicular to Enterprise Road?

9 MR. WALUBITA: Yes, it is located perpendicular to  
10 the --

11 MR. SHIPLEY: And does the sign have two faces?

12 MR. WALUBITA: That is correct.

13 MR. SHIPLEY: And what is the height of the sign?

14 MR. WALUBITA: We are proposing 50 feet, 50 square  
15 feet.

16 MR. SHIPLEY: No, the height of the sign. Now do  
17 you know how high it will be?

18 MR. WALUBITA: Yes, 8 feet.

19 MR. SHIPLEY: And how many square feet will it  
20 contain?

21 MR. WALUBITA: It will contain 50 square feet.

22 MR. SHIPLEY: And what portion of the sign  
23 ordinance did you refer to in determining how large that  
24 sign could be?

25 MR. WALUBITA: 27-614 is the section of the

1 ordinance that we referred to in locating the sign.

2 MR. SHIPLEY: And what does that say essentially?

3 MR. WALUBITA: Essentially it says for right-of-  
4 ways, for divided roads that are located in the right-of-way  
5 that's 100 feet or more, we can have a sign that has a  
6 maximum of square 100, or 50 square foot.

7 MR. SHIPLEY: And that --

8 MR. BROWN: But Belvedere is not a divided road,  
9 is it?

10 MR. SHIPLEY: No.

11 MR. WALUBITA: Enterprise --

12 MS. MCNEIL: Here along Enterprise.

13 MR. WALUBITA: Enterprise Road is divided.

14 MR. BROWN: That's not a divided road.

15 MR. WALUBITA: Enterprise is divided at this  
16 location.

17 MR. BROWN: There's a median in the --

18 MR. WALUBITA: Yes it is.

19 MR. SHIPLEY: Yes.

20 MR. BROWN: -- on Enterprise Road right there?

21 UNIDENTIFIED PERSON: Right.

22 MR. SHIPLEY: Right.

23 MR. BROWN: What is it 10 feet long or something?

24 MR. SHIPLEY: No, no. It's I don't know how many,  
25 it's several hundred feet. It's on, Enterprise Road was

1 originally a two lane highway.

2 MR. BROWN: Right.

3 MR. SHIPLEY: And when Route 50 was built over it  
4 in about 1950 to create the support for the road, they  
5 divided Enterprise Road to accommodate the support columns  
6 for Route 50 and so from a little south of 193, where 193 --

7 MR. BROWN: Okay. Okay, you're right by bridge --

8 MR. SHIPLEY: Right.

9 MR. BROWN: -- it's divided but by this property  
10 it's not divided.

11 UNIDENTIFIED PERSON: It's divided up until --

12 MS. MCNEIL: Wait, wait, you can't testify.

13 MR. SHIPLEY: No, he has to answer.

14 MS. MCNEIL: Yes.

15 MR. BROWN: Okay.

16 MR. WALUBITA: Yes, it's divided past the  
17 property.

18 MR. BROWN: Okay. All right. If you say so. All  
19 right.

20 MR. SHIPLEY: It's divided --

21 MR. BROWN: I just don't remember that it was  
22 divided right there.

23 MR. SHIPLEY: -- along the front, yes.

24 MR. BROWN: Okay. All right.

25 MS. MCNEIL: If I may, the Staff Report noted that

1 the sign may be in the right-of-way, have you changed that?

2 MR. WALUBITA: The sign is 10 feet (indiscernible)

3 --

4 MS. MCNEIL: The ultimate right-of-way. So the  
5 staff is incorrect? Because if it's in the right-of-way --

6 MR. SHIPLEY: I can --

7 MS. MCNEIL: -- we need another application  
8 approved.

9 MR. SHIPLEY: Well, I can have him answer question  
10 about that.

11 MS. MCNEIL: Okay.

12 MR. SHIPLEY: Are you familiar with the proposed  
13 condition of the staff that the sign should be 10 feet back  
14 from the ultimate right-of-way line for Enterprise Road if  
15 it gets widened?

16 MR. WALUBITA: Yes.

17 MR. SHIPLEY: And you can accommodate that?

18 MR. WALUBITA: Yes, we can accommodate that.

19 MS. MCNEIL: Okay.

20 MR. SHIPLEY: And did you attempt to accommodate  
21 that when you prepared this plan?

22 MR. WALUBITA: Yes, we did.

23 MR. SHIPLEY: Okay.

24 MS. MCNEIL: So that was my other question. So  
25 the plan I have addresses all of the staff's conditions



1 except for the sign, the size of the sign?

2 MR. SHIPLEY: Except the square footage of the  
3 sign.

4 MS. MCNEIL: Okay.

5 MR. SHIPLEY: The location we agree with and the  
6 setback we agree with and the height we agree with, but it's  
7 just the square footage of we say it should be 50 square  
8 feet --

9 MS. MCNEIL: No, no, no. I understand that. I'm  
10 saying does 14A have all of those recommended conditions on  
11 there? Yes?

12 UNIDENTIFIED PERSON: Yes.

13 MS. MCNEIL: Okay. Thank you.

14 MR. SHIPLEY: I think that's it, right?

15 MR. FARRAR: Yes, I think so.

16 MS. MCNEIL: Any questions? State your name and  
17 then.

18 REV. MOYER: My name is Raycena Moyer. Where is  
19 the reception hall going to be located in relation to the  
20 current house that's on that property?

21 MR. WALUBITA: It would be located to the  
22 northeast.

23 REV. MOYER: And where is the current house?

24 MR. WALUBITA: The current house is located here.

25 MR. BROWN: In the southwest corner.

1 MR. WALUBITA: The southeast corner. And the  
2 reception hall will be located in the northwest corner.

3 MR. SHIPLEY: Northwest corner.

4 REV. MOYER: Okay. And my next question, are the  
5 trees you planning to leave there, are you planning to cut  
6 down all the trees around there?

7 MR. WALUBITA: So in order to accommodate the  
8 grading, the trees will be taken down, but we are, we have  
9 the Landscape Plan that's approved that was prepared, the  
10 plans will be intend to plant trees back.

11 MR. BROWN: Do you have someone else who is going  
12 to testify about the Landscape Plan?

13 MR. FARRAR: No.

14 MR. BROWN: All right. If he can show her the  
15 Landscape Plan, do you have that up there?

16 MS. MCNEIL: Well before we go any more questions  
17 on this plan from anyone? You?

18 MR. BROWN: Yes, I do.

19 MS. MCNEIL: Okay. Well let's wait and let him  
20 ask his questions.

21 MR. BROWN: Mr. Walubita, you had indicated that  
22 you would comply with the Enterprise Road Corridor  
23 Development Review District Commission recommendations and  
24 staff recommendations concerning ingress and egress on  
25 Belvedere. Currently this Site Plan what exhibit number is



1 it? 25.

2 MR. FARRAR: The Site Plan is 14.

3 MR. BROWN: 14 --

4 MR. FARRAR: 14A.

5 MR. BROWN: -- shows one left turn into the  
6 property on Belvedere and I'm going to assume it also allows  
7 a right turn into Belvedere, is that correct?

8 MR. WALUBITA: That is correct.

9 MR. BROWN: And looking at the Exhibit 25, the  
10 Enterprise Road recommendations it says you should consider  
11 an additional entrance exit to prevent bottlenecking during  
12 processional. When you testified earlier that you can  
13 accommodate them and the staff, are you suggesting there's  
14 going to be additional ingress and egress on Belvedere?

15 MR. WALUBITA: Yes, there's going to be one  
16 entrance.

17 MR. BROWN: All right, then tell me how do you  
18 plan to accommodate their request which is what you  
19 testified to earlier that you can accommodate them.

20 MR. WALUBITA: Yes.

21 MR. SHIPLEY: Mr. Strickland might be a better  
22 witness as far as cuing the cars and everything.

23 MR. BROWN: All right. Well he can testify about  
24 operational but in terms of the physical aspect of the  
25 property, ingress and egress right now you're telling me

1 there's going to be one entrance and one exit, is that  
2 correct?

3 MR. WALUBITA: That's correct.

4 UNIDENTIFIED PERSON: That's correct.

5 MR. BROWN: Under the Code provisions is there  
6 enough linear feet on Belvedere to allow a second entrance  
7 and exit?

8 MR. WALUBITA: No, there isn't.

9 MR. BROWN: Tell me why. I mean I know why but we  
10 need to put it on the record. The street's not long enough  
11 to have a second entrance --

12 MR. WALUBITA: No, the street --

13 MR. BROWN: -- is that correct?

14 MR. WALUBITA: -- the street is not long enough to  
15 be able to accommodate another entrance.

16 MR. BROWN: Because the frontage on Belvedere for  
17 this property is what?

18 MR. WALUBITA: Currently it's a total of about  
19 400, a little over 400 feet.

20 MR. BROWN: All right.

21 MR. WALUBITA: We would need more than that to be  
22 able to accommodate two entrances.

23 MR. BROWN: Right. And Belvedere is a county  
24 road, correct?

25 MR. WALUBITA: It is a county road.

1 MR. BROWN: And the width of the current proposed  
2 entrance is what?

3 MR. WALUBITA: Is 30 feet.

4 MR. BROWN: And the county requirement for the  
5 width entrance of a driveway on a county road such as  
6 Belvedere is what?

7 MR. WALUBITA: Is 30 feet.

8 MR. BROWN: All right. Does the County Code allow  
9 that entrance to be increased? In other words, 30 feet is  
10 the minimum and it's not the maximum is it?

11 MR. WALUBITA: No, for the record let me state  
12 that it's actually 31 feet as shown on this plan and the  
13 county does allow for it to be wider than 30 feet.

14 MR. BROWN: Exactly. And would the applicant be  
15 willing to widen that one entrance exit on Belvedere to  
16 address some of the concerns raised by staff and or  
17 Enterprise Road Corridor Development Review District  
18 Commission?

19 UNIDENTIFIED PERSON: Do you have a calculator?

20 MR. FARRAR: Hold on, he testified to that --

21 MR. BROWN: All right. Good. Because I mean I  
22 think that it is a legitimate concern that for a seven acre  
23 property and a residential street such as Belvedere Road  
24 that that entrance one I understand, can't have two given  
25 this frontage --

1 MR. WALUBITA: Right.

2 MR. BROWN: -- but it needs to be widened so that  
3 you can, folks can cue both on the property and not cue on  
4 Belvedere Road when they're entering the property and/or not  
5 cuing on Enterprise Road trying to make that left onto  
6 Belvedere Road because that entrance is too narrow. So that  
7 I think is something that can be done.

8 MS. MCNEIL: Mr. Zoning Council --

9 MR. BROWN: Yes.

10 MS. MCNEIL: Right there just for the record the  
11 Enterprise Road Corridor were in Exhibit 25 but the Staff  
12 Report which is Exhibit 21 also incorporated their concerns  
13 in Condition 4 and we had a proffer from Mr. Shipley at the  
14 beginning that they accept all of that. So that will be  
15 addressed about access --

16 MR. BROWN: Right, right.

17 MS. MCNEIL: -- from Belvedere.

18 MR. BROWN: But I just wanted to make sure he  
19 wasn't telling us we're going to put two entrances and  
20 that's not depicted there. So no other questions at this  
21 time.

22 MS. MCNEIL: Okay. So anymore from you all? So  
23 put up the landscape. Any from you about this? Okay. Put  
24 up the Landscape Plan, which is Exhibit 15A and B.

25 MR. WALUBITA: The orientation of this Landscape

1 Plan is the same as the Site Plan we looked at. North is to  
2 the top and the landscaping that we propose is shown as the  
3 circles, the trees are shown as the circles in this exhibit.  
4 We do, we actually have storm water management facilities  
5 that are proposed along Belvedere, to meet the county storm  
6 water requirements and as you can see those also get  
7 landscaped but the effect is not shown on this landscaping  
8 plan, but the trees that are shown here are what we intend  
9 to plant back.

10 MR. BROWN: So looking at the Landscape Plan all  
11 the trees that are illustrated are proposed trees?

12 MR. WALUBITA: That is correct.

13 MR. BROWN: And so all the existing trees on the  
14 site will be cut down?

15 MR. WALUBITA: With the exception of the trees  
16 that are located in the southeast corner. These trees here  
17 will not be --

18 MR. SHIPLEY: That would be southwest.

19 MR. FARRAR: Southwest.

20 MR. WALUBITA: -- southwest (indiscernible)  
21 southwest corner will not be removed.

22 MR. BROWN: Yes. Miss, what is your name again?

23 REV. MOYER: Raycena.

24 MR. BROWN: What's your last name?

25 REV. MOYER: Moyer.



1 MR. BROWN: And this is your husband?

2 REV. MOYER: Yes, Samuel Moyer.

3 MR. BROWN: I don't want you to testify now but if  
4 you could tell us where is your property in relationship to  
5 this property, since you have a concern about the trees?

6 REV. MOYER: Our property is further back, past in  
7 the Clearfield Estate maybe about a half a mile down. You  
8 have to come into Chantilly Lane, where's Chantilly Lane on  
9 here?

10 MR. FARRAR: I don't think I have --

11 MR. WALUBITA: It's here.

12 MR. SHIPLEY: On the south side.

13 REV. MOYER: South side.

14 MR. SHIPLEY: Yes, right there.

15 REV. MOYER: And we live in the back of that.

16 MR. SHIPLEY: Yes.

17 REV. MOYER: My concern is just cutting down all  
18 the trees and aesthetically now when we go into our, you  
19 know, you have all these trees and you really can't see  
20 their house, that's why I wondered where the house is  
21 because all of the trees.

22 MR. BROWN: I got you.

23 REV. MOYER: Now you're going to cut down all of  
24 that.

25 MR. BROWN: All right.

1 REV. MOYER: Just, yeah.

2 MR. BROWN: I understand. Okay.

3 MS. MCNEIL: But this property was not, I might be  
4 getting a case mixed up so excuse me if I'm wrong, but you  
5 didn't have a Woodland Conservation Plan did you?

6 MR. FARRAR: Correct.

7 MR. SHIPLEY: That's correct.

8 MR. FARRAR: Right.

9 MS. MCNEIL: And that is because?

10 MR. WALUBITA: There are no existing woods on the  
11 property.

12 MR. BROWN: There were some very large trees on  
13 that property on Enterprise, but those are going to be cut  
14 down, you're telling me?

15 MR. FARRAR: And many, but they're putting many of  
16 the trees --

17 MR. BROWN: Yes, no I don't have a problem with  
18 what they're proposing. But I'm just saying there were some  
19 very large trees on the property. I've been on it many,  
20 many times.

21 MR. WALUBITA: The trees that are on Enterprise  
22 within the right-of-way and some that are outside of the  
23 existing right-of-way --

24 MR. BROWN: Yes.

25 MR. WALUBITA: -- that will not be removed as

1 well.

2 MR. BROWN: Yes.

3 MR. WALUBITA: So if you notice there is a gap  
4 between the road and the actual clearing.

5 MR. BROWN: Uh-huh.

6 MR. WALUBITA: These trees in that buffer would  
7 remain.

8 MR. BROWN: Will remain. All right.

9 MR. WALUBITA: Which will be the majority of the  
10 trees that you're referring to, very close to the road.

11 MR. BROWN: All right. And that's what her  
12 concern was as well. That those are --

13 MR. WALUBITA: Those will remain.

14 MR. BROWN: -- are beautiful stand of trees that  
15 blocks that property from Enterprise Road and so you're  
16 telling us those will not be cut down --

17 MR. WALUBITA: NO, those are not intended --

18 MR. BROWN: -- they're actually on the property.

19 MR. WALUBITA: -- no they're not intended to be  
20 cut down.

21 MR. BROWN: Right Okay.

22 REV. MOYER: And the ones on Belvedere, will they  
23 be cut down?

24 MR. WALUBITA: On Belvedere, up to the property  
25 and then outside of that between the road and the actual



1 pavement, the trees don't start very close. Those trees  
2 will also remain, there's some trees that are going to  
3 remain as this, as designated by the tree look like a tree  
4 line that's remaining on this line. So you'll have a row of  
5 trees that will remain on Belvedere as well.

6 MR. BROWN: So the prior owner was named Mr.  
7 Singleton (phonetic sp.), correct?

8 MR. FARRAR: Singletary (phonetic sp.).

9 MR. BROWN: Singletary. Is he still alive?

10 MR. FARRAR: He's still here. He's here.

11 UNIDENTIFIED PERSON: He's here.

12 MR. BROWN: Oh hey, Mr. Singletary, how are you?

13

14 MR. SINGLETARY: Good.

15 MR. BROWN: It's been a long time. I just wanted  
16 to -- wondered what that was. All right. No other  
17 questions.

18 UNIDENTIFIED PERSON: Thank you.

19 MS. MCNEIL: Last question for you or it could be  
20 someone else, will the funeral home have a chapel? What's  
21 inside or is someone else going to --

22 MR. FARRAR: Someone, yes.

23 MS. MCNEIL: Okay.

24 MR. SHIPLEY: Mr. Strickland will cover that.

25 MS. MCNEIL: All right. Thank you, sir.

1 MR. WALUBITA: Thank you.

2 MR. SHIPLEY: Unless somebody wants the witness to  
3 stay he can be excused, I guess.

4 MS. MCNEIL: You want to leave? You couldn't have  
5 this much fun on a Wednesday.

6 MR. SHIPLEY: Believe it or not, he probably does.

7 MS. MCNEIL: Thank you, sir.

8 MR. WALUBITA: Thank you. Thank you.

9 (Discussion off the record.)

10 MR. SHIPLEY: I'd like to call Mr. Strickland.

11 MS. MCNEIL: Or he has to stay.

12 MR. STRICKLAND: Good morning.

13 MR. BROWN: Good morning.

14 MS. MCNEIL: Good morning. Mr. Eric Strickland?

15 MR. STRICKLAND: Yes.

16 MS. MCNEIL: Okay. Mr. Eric Strickland, do you  
17 swear or affirm under the penalties of perjury that the  
18 testimony you shall give will be the truth and nothing but  
19 the truth?

20 MR. STRICKLAND: Yes, I do.

21 MS. MCNEIL: Okay.

22 MR. SHIPLEY: Give us your full name and address.

23 MR. STRICKLAND: Eric D. Strickland, residential  
24 address is 12807 Odin's Bequest Drive, Bowie, Maryland.

25 MR. SHIPLEY: And you are the applicant in this

1 application?

2 MR. STRICKLAND: Yes.

3 MR. SHIPLEY: And the contract purchaser of the  
4 subject property?

5 MR. STRICKLAND: Yes.

6 MR. SHIPLEY: And you're also the principal of the  
7 Strickland Funeral Home --

8 MR. STRICKLAND: Yes.

9 MR. SHIPLEY: -- PA?

10 MR. STRICKLAND: Yes.

11 MR. SHIPLEY: And are you licensed in the State of  
12 Maryland as a funeral director?

13 MR. STRICKLAND: Yes, licensed in the State of  
14 Maryland, licensed in Washington, D.C., licensed in  
15 Virginia.

16 MR. SHIPLEY: Yes. And how long have you been a  
17 licensed funeral director?

18 MR. STRICKLAND: Since 1975.

19 MR. SHIPLEY: And you've never had any complaints  
20 or hearings --

21 MR. STRICKLAND: No, never.

22 MR. SHIPLEY: -- before the Board concerning any  
23 of your operations?

24 MR. STRICKLAND: Never.

25 MR. SHIPLEY: You current operate a funeral home

1 in Prince George's County?

2 MR. STRICKLAND: Yes, 6500 Allentown Road, Camp  
3 Springs, Maryland.

4 MR. SHIPLEY: And that is right on Allentown Road,  
5 I would say on the east side of Allentown Road just south of  
6 a county building and just south of where Allentown Way  
7 intersects with --

8 MR. STRICKLAND: Well actually we're right at the  
9 intersection of Allentown Road and Brinkley Road.

10 MR. SHIPLEY: And Brinkley Road.

11 MR. STRICKLAND: Yes, Brinkley would be to the  
12 west of our location.

13 MR. SHIPLEY: All right. Okay.

14 MS. MCNEIL: Near the senior center and the  
15 Aldi's?

16 MR. SHIPLEY: That's exactly right.

17 MR. STRICKLAND: Correct. Correct.

18 MR. SHIPLEY: And how long has that funeral home  
19 been there?

20 MR. STRICKLAND: I purchased the property in 1998,  
21 built the property in 2005.

22 MR. SHIPLEY: I'd like to mark this as an exhibit.

23 MS. MCNEIL: Exhibit 27.

24 (Hearing Exhibit No. 27 was  
25 marked for identification.)

1 MR. SHIPLEY: I want to use this one here.

2 MS. MCNEIL: Okay. And what is it? That's your

3 existing --

4 UNIDENTIFIED PERSON: That's correct.

5 MS. MCNEIL: -- center on Allentown Road?

6 (Discussion off the record.)

7 MS. MCNEIL: Well do you want us to show this on

8 the, I mean you're just letting us know that he has another

9 facility, right?

10 MR. SHIPLEY: That --

11 MS. FALK: Point some things out.

12 MS. MCNEIL: Okay.

13 MR. SHIPLEY: -- refers specifically to his sign.

14 MS. MCNEIL: Okay.

15 MR. SHIPLEY: Now this is a photograph of your

16 current facility?

17 MR. STRICKLAND: Yes.

18 MR. SHIPLEY: And that's the sign that you have on

19 Allentown Road?

20 MR. STRICKLAND: Correct.

21 MR. SHIPLEY: And that sign is perpendicular to

22 Allentown Road --

23 MR. STRICKLAND: Correct.

24 MR. SHIPLEY: -- and it's two sided.

25 MR. STRICKLAND: Yes.

1 MR. SHIPLEY: And the property on Allentown Road  
2 that enjoys a special exception in the R-R Zone for a  
3 funeral home.

4 MR. STRICKLAND: Correct.

5 MR. SHIPLEY: And when did you develop that  
6 property?

7 MR. STRICKLAND: Special Exception occurred around  
8 2001, I believe.

9 MR. SHIPLEY: Yes. And you built the facility  
10 right after that?

11 MR. STRICKLAND: Yes, shortly afterwards.

12 MR. SHIPLEY: And how high is the top of that  
13 sign?

14 MR. STRICKLAND: It's a little bit more than 6  
15 feet.

16 MR. SHIPLEY: And what is the square footage of  
17 that sign?

18 MR. STRICKLAND: That's a 48 square foot sign.

19 MR. SHIPLEY: And that's essentially identical  
20 even with the logo and everything as the sign you propose at  
21 this site?

22 MR. STRICKLAND: Correct.

23 MR. SHIPLEY: And that was approved and permitted  
24 and has been erected. Have you ever had any issues at that  
25 property with any violations of the County Code or any of



1 the conditions of the Special Exception?

2 MR. STRICKLAND: No, none. You know we've, you  
3 know we've been true to conditions that were issued to us  
4 when the Special Exception was issued.

5 MR. SHIPLEY: And is that already in the record?

6 MR. FARRAR: I don't think so.

7 MR. SHIPLEY: We'd like to --

8 MR. FARRAR: The architectural --

9 MR. SHIPLEY: -- introduce two photographs and an  
10 architectural rendering of the subject property.

11 MS. MCNEIL: Okay. And we have 20A and B which  
12 are supposed to be the architectural renderings --

13 MR. SHIPLEY: Yes.

14 MS. MCNEIL: -- but they're larger.

15 MR. SHIPLEY: Yes. And that's --

16 MS. MCNEIL: So we'll do these.

17 MR. SHIPLEY: -- these are consistent with that.

18 MS. MCNEIL: Okay.

19 (Discussion off the record.)

20 MS. MCNEIL: Fantastic. So are both of the  
21 funeral home or is one the reception hall or?

22 MR. SHIPLEY: One of each.

23 MR. FARRAR: One of each.

24 MS. MCNEIL: I mean which is funeral?

25 MR. STRICKLAND: That, that's the reception hall.

1 MS. MCNEIL: A is, okay, so A is the reception  
2 hall and B is the funeral home. And when you were with  
3 staff, did you not show them this because they wanted  
4 additional architectural renderings so they didn't see this?

5 MR. FARRAR: In the size.

6 MS. MCNEIL: And do we have the size yet in this  
7 record? Okay. Thank you. So then all of their conditions  
8 have not yet been met. Got you. Okay. Go ahead, I'm  
9 sorry.

10 MR. SHIPLEY: Okay. I just wanted to show him  
11 those two pictures.

12 (Discussion off the record.)

13 MS. MCNEIL: These are additional elevations?

14 MR. FARRAR: Right. These are the ones that staff  
15 wanted.

16 MS. MCNEIL: Okay. And it's a two page?

17 MS. FALK: It's three.

18 MS. MCNEIL: Three page. Staple it together and  
19 that will be Exhibit 29.

20 (Hearing Exhibit No. 29 was  
21 marked for identification.)

22 (Discussion off the record.)

23 MS. MCNEIL: So you might want to just show them  
24 to the lawyers even if it was off your question that I  
25 (indiscernible) when Park and Planning made the request they

1 said well what about the size of the back, et cetera, so  
2 these are the remaining elevations.

3 MR. STRICKLAND: This is the site of the funeral  
4 home and the site of the repast facility.

5 MR. BROWN: Is that a brick façade on all four  
6 sides?

7 MR. STRICKLAND: It's, it's going to be brick on  
8 all four sides, but on the front we're going to have some  
9 stone. So the front is going to be brick and stone, the  
10 sides and back are going to be all brick.

11 MR. BROWN: That's for both structures?

12 MR. STRICKLAND: For both structures, yes.

13 MR. SHIPLEY: Okay.

14 MR. STRICKLAND: We just switched the brick and  
15 stone around on each structure --

16 MR. BROWN: Yes.

17 MR. STRICKLAND: -- and each structure the funeral  
18 home stone is in the middle, the repast facility stones are  
19 on the sides. We just wanted to differentiate like that.

20 (Discussion off the record.)

21 MR. SHIPLEY: Now did I show this, the pictures  
22 (indiscernible)?

23 MS. MCNEIL: Oh no, this?

24 MR. SHIPLEY: No --

25 MR. FARRAR: This one.

1 MR. SHIPLEY: -- just these two. What's been  
2 marked as Exhibit 28A, 28A is what?

3 MR. STRICKLAND: This is the repast facility.

4 MR. SHIPLEY: I'm going to show it to them.

5 MR. STRICKLAND: Oh I'm sorry, I forgot.

6 UNIDENTIFIED PERSON: Thank you.

7 MR. STRICKLAND: Repast facility.

8 MR. SHIPLEY: That's the front elevation of the  
9 repast facility and that's the one that's going to be in the  
10 northwest corner of the property?

11 MR. STRICKLAND: Right. Right where the old barn  
12 is sitting.

13 UNIDENTIFIED PERSON: Okay.

14 MR. STRICKLAND: The tall old barn.

15 MR. SHIPLEY: Right, right.

16 MR. STRICKLAND: Right there.

17 MR. SHIPLEY: And 21, is that B?

18 MR. FARRAR: That's A.

19 MR. SHIPLEY: 21A is --

20 UNIDENTIFIED PERSON: Funeral home and that's all.

21 MR. SHIPLEY: -- 21B --

22 MS. MCNEIL: There should be two, 20.

23 MR. SHIPLEY: 21A is the one he just showed them.  
24 Now 21B is the funeral home.

25 MR. FARRAR: It's 28.

1 MR. STRICKLAND: Which would be the second  
2 (indiscernible).

3 MR. BROWN: So 20A and B are just for illustrative  
4 purposes.

5 MR. SHIPLEY: Yes.

6 MR. BROWN: Right, because they differ from the  
7 architectural rendering that you gave us a moment ago.

8 MR. SHIPLEY: The architectural we gave you a  
9 moment ago --

10 MR. BROWN: These are --

11 MR. SHIPLEY: -- these are side elevations.

12 MR. BROWN: Right.

13 UNIDENTIFIED PERSON: Side elevations.

14 MR. SHIPLEY: Yes, these are the front elevations.

15 MR. BROWN: Right, because I mean but again 20A  
16 depicts white brick on is that the funeral home or the  
17 repast?

18 MR. STRICKLAND: That's the repast.

19 MR. BROWN: White brick and that shows red brick.

20 UNIDENTIFIED PERSON: Where's the white brick?

21 MR. FARRAR: Where's the plan?

22 MR. SHIPLEY: On the front?

23 MR. BROWN: Yes, that shows red brick.

24 UNIDENTIFIED PERSON: Right.

25 MR. BROWN: It shows white brick.

1 UNIDENTIFIED PERSON: This is --

2 MR. BROWN: So I mean which one is it? Is it  
3 going to be white brick?

4 MR. STRICKLAND: White brick.

5 MR. BROWN: All right.

6 MR. SHIPLEY: The architectural, the correct ones  
7 are the big ones, right?

8 MR. FARRAR: Okay. Yes.

9 MR. SHIPLEY: The correct ones are the big ones.

10 MR. BROWN: So he's --

11 MR. STRICKLAND: Whoa, whoa, whoa. They're not  
12 going to, well that's the way that I originally designed it.

13 MR. BROWN: Yes.

14 MR. STRICKLAND: You know with a lighter color  
15 brick.

16 MR. BROWN: Yes.

17 MR. STRICKLAND: But we have not specifically.

18 MR. BROWN: All right, we've got to decide that.  
19 That's what we're here for.

20 MR. STRICKLAND: Okay.

21 MR. BROWN: So it's going to be a red brick? I  
22 mean if you want white brick I'm not saying any, I don't  
23 have a preference --

24 MR. STRICKLAND: Okay.

25 MR. BROWN: -- but I'm just saying we've got to



1 make a decision.

2 MR. STRICKLAND: Okay.

3 MR. BROWN: You know, if you don't --

4 UNIDENTIFIED PERSON: Because you don't like red  
5 and white?

6 MR. BROWN: You don't need to do it right now but  
7 maybe if you want before the record closes tell us is it  
8 going to be red or white, you know.

9 MR. STRICKLAND: Well my preference would be the  
10 way --

11 MR. BROWN: The white?

12 MR. FARRAR: The white.

13 MR. STRICKLAND: -- you know the white and if we  
14 need to make an adjustment to that, you know.

15 MR. BROWN: Yes. Okay. And the second structure  
16 is all stone on the front and again that's stone and brick  
17 as you told us earlier.

18 MR. STRICKLAND: Yes.

19 MR. SHIPLEY: He's going to do that.

20 MR. BROWN: So is it going to be all stone on the  
21 front or is it going to be stone and brick?

22 (Discussion off the record.)

23 MR. STRICKLAND: Yes, this is going to be all  
24 stone.

25 MS. MCNEIL: So you know if these --

1 MR. BROWN: All right. What --

2 MS. MCNEIL: -- reflect what you want, I'd rather

3 withdraw --

4 MR. BROWN: Right.

5 MS. MCNEIL: -- 29 --

6 MR. BROWN: And you --

7 MS. MCNEIL: -- and you can submit them after.

8 MR. FARRAR: We'll submit a revision. Yes.

9 MR. BROWN: Correct.

10 MS. MCNEIL: And they'll be --

11 MR. FARRAR: Before the record closes.

12 MS. MCNEIL: -- the same as 20. Okay.

13 MR. BROWN: All right.

14 MS. MCNEIL: Yes. So it looks like the parking

15 goes right up to the, is this some kind of sidewalk in front

16 of the buildings and the parking is close? I can't tell

17 from the evaluations, how wide is this area where there's no

18 parking?

19 MR. BROWN: The driveway just in front of the --

20 MS. MCNEIL: Oh it's a driveway. Okay.

21 MR. SHIPLEY: Yes.

22 MS. MCNEIL: So it's a driveway.

23 MR. CASSIN: You mean this driveway here?

24 MR. BROWN: Right.

25 MR. SHIPLEY: That's shown on the Landscape Plan.

1 MR. CASSIN: So this is like, yeah, this is like a  
2 five --

3 MR. SHIPLEY: Right.

4 MR. CASSIN: -- foot sidewalk and then this is a  
5 pull off, a pull up area, drop off area.

6 MR. BROWN: Yes.

7 MR. CASSIN: But the parking, the parking is here.

8 MR. BROWN: Right.

9 MR. CASSIN: Parking here so.

10 MS. MCNEIL: And who are you, for the record? Did  
11 we talk to you yet? You have thrown me off. Just state  
12 your name.

13 MR. CASSIN: Harry Cassin and I am the, I've been  
14 the project manager associate at Ben Dyer.

15 MS. MCNEIL: Okay. And Mr. Cassin, do you swear  
16 or affirm that any testimony you have given or will give  
17 will be the truth and nothing but the truth?

18 MR. CASSIN: I do.

19 MS. MCNEIL: Okay. Thank you. So my concern with  
20 that is now that I have a 91-year-old mother I realize it's  
21 harder for some people to get into and out of, so that's  
22 good there's a drop off and I don't know who I can ask this  
23 of because I was for the same reason I was wondering there  
24 are only three handicapped spaces?

25 UNIDENTIFIED PERSON: Oh no it's more than that.

1 UNIDENTIFIED PERSON: It's more than that.

2 MS. MCNEIL: How many? The staff's report didn't  
3 sound like there were many of them.

4 MR. CASSIN: Harry Cassin for the record, so we're  
5 showing a total for of handicap spaces of 10, 10 van, excuse  
6 me, four standard and 10 van accessible handicap spaces.

7 MS. MCNEIL: But divided between the two uses?

8 MR. CASSIN: Correct. So we have, we'll have here  
9 on this side pointing to the funeral home itself will have  
10 two regular handicap, two van, which would be on the  
11 southern side of the building and on the northern side of  
12 the building it's the same two and two. And on the north  
13 side of the repast center we're showing six van accessible  
14 spaces on that side.

15 MS. MCNEIL: Thank you.

16 MR. CASSIN: You're welcome.

17 MR. SHIPLEY: Now --

18 MS. MCNEIL: I threw you off, Mr. Shipley, do you  
19 have --

20 MR. SHIPLEY: No, that's all right.

21 MS. MCNEIL: Okay.

22 MR. SHIPLEY: That's not hard to do, but Mr.  
23 Strickland, I would ask you, you've been in the business for  
24 a long time or the profession a long time and your full-time  
25 day to day operator where you are.

1 MR. STRICKLAND: Correct.

2 MR. SHIPLEY: And you'll be full-time day to day  
3 operator here also?

4 MR. STRICKLAND: Yes, I will have a licensed  
5 manager per state requirement.

6 MR. SHIPLEY: Yes.

7 MR. STRICKLAND: You can only manage one facility,  
8 so I will have a licensed manager, I haven't quite decided  
9 if it's going to be south side or north side.

10 MR. SHIPLEY: Okay.

11 MR. STRICKLAND: But I will be the licensed  
12 manager in whichever opposite.

13 MR. SHIPLEY: Yes. And would you describe how the  
14 interior, I know it's in the documentation in the Site Plans  
15 of the funeral home as laid out in terms of viewing areas,  
16 or I think the Zoning Hearing Examiner had a question would  
17 you have a chapel. Could you describe how your operation is  
18 conducted in terms of viewing and in terms of actual funeral  
19 ceremonies?

20 MR. STRICKLAND: Okay. You know this, this  
21 location is set up with actually two chapels on the inside.  
22 A smaller chapel that will seat 200, a larger chapel that  
23 will seat 300. You can combine those chapels and make a 500  
24 seat chapel. Most of the services that we have at the south  
25 side location is going to be around 100 to 150 people per



1 funeral, which is my capacity there. I designed this one a  
2 little bit larger mainly because when I went in business in  
3 the south side 890, 85 percent of my services were a church.  
4 As it stands now the further we go along, the less and less  
5 you, you know, we're having service at church because it's  
6 not as easily, you know it's not easy to have a service at  
7 church now as it used to be.

8 MR. BROWN: Why are they charging you?

9 MR. STRICKLAND: Yes, you know, well they're  
10 charging families, they're more strict about their rules as  
11 to who can have services in, you know, in church. When I  
12 started in, you know, when I started the business in 1988,  
13 most churches was just like open arms, you know, policy.  
14 But it's become a little bit more of a business enterprise  
15 now than what it used to be. And you know they have  
16 policies that state who can have services, who cannot have  
17 services and, and again you know, when I started most of the  
18 families I'd, you know I'd say you know 80 to 85 percent you  
19 know were at church because they were churchgoing people.  
20 As we go on, we're having less and less people that are  
21 belonging, you know, to churches. You know, which are  
22 pushing families more towards funeral homes.

23 As I said now, you know, my chapel in the south  
24 side is 150 is the capacity, you know, we're up against  
25 that, you know, you know, quite, quite a bit, you know,



1 we're at the 150. So what I do when I expect more than that  
2 there are churches, Ebenezer down the street, Central up the  
3 street, Monine (phonetic sp.) and Clinton, most churches  
4 have a part of their constitution statements that say for  
5 community figures or for services where it's going to be  
6 more than what the normal would be, you know, they allow you  
7 to, you know, come in and have the services there. I intend  
8 to do the same thing on, you know, this location as well,  
9 you know, to have an agreement where if it's larger than  
10 what this property will you know accommodate, we can take  
11 those services to facilities that can accommodate, you know,  
12 so you know I'm not going to have a situation where you're  
13 going to be parking on Enterprise Road where you can be  
14 parking on Belvedere. I can normally figure out within 45  
15 minutes of the time we start making arrangements as to what,  
16 what we're going to be looking at as far as potential size  
17 of the people coming, you know, to the service.

18           So you know when it's something a little bit more  
19 than what I have now, you know, because I want to be able to  
20 comfortably accommodate you know most families. It's going  
21 to be just a very few instances where there would be more  
22 than 500, you know, and it's instances, instances like that  
23 you would be, you know, going to the larger churches in the  
24 area.

25           MR. SHIPLEY: About how many services and viewings

1 do you anticipate you'd have per week?

2 MR. STRICKLAND: I'm anticipating about what we're  
3 doing now on, you know, on the south side which would be  
4 four to five services a week.

5 MR. SHIPLEY: You're saying four to five, I hope.

6 MR. STRICKLAND: Yeah, yeah, yes, no, no.

7 MR. SHIPLEY: Not 45.

8 MR. STRICKLAND: Yeah, four, four to five.

9 MR. SHIPLEY: Okay.

10 MR. STRICKLAND: You know, you know per, you know  
11 per week. But the way it works out it's only one or maybe  
12 two that's going to be at the chapel, you know, at the  
13 office. The clientele that I serve tend to be hardworking,  
14 honest, churchgoing people, you know, and that's where you  
15 know, the overwhelming majority of our services are held.

16 MR. SHIPLEY: And what about the idea of the  
17 community center? Is that a relatively new concept for a  
18 funeral home?

19 MR. STRICKLAND: Well the concept the way that I'm  
20 offering it is, is, is relatively new. That's kind of where  
21 the industry is going when you can find properties that are  
22 large enough to accommodate two buildings.

23 MR. SHIPLEY: Yes.

24 MR. STRICKLAND: Most funeral homes are not going  
25 to be able to do that. As a matter of fact, it's going to

1 be very few companies that's going to be able to provide  
2 what I'm offering here because you know you need quite a bit  
3 of space, you know, you know, to do that where it's not  
4 affecting surrounding homes and, and businesses and things  
5 like that.

6 MR. SHIPLEY: And how many, this is 7.39 acres.

7 MR. STRICKLAND: Uh-huh.

8 MR. SHIPLEY: But what's the size of the property  
9 on Allentown Road?

10 MR. STRICKLAND: A little bit more than two, 2.3.

11 MR. SHIPLEY: 2.3 acres. Now in a typical service  
12 you talked about a maximum of 500, but what is a typical  
13 service more like in terms of the number of people attending  
14 a church service or a chapel service and a viewing?

15 MR. STRICKLAND: You, you're looking at 100 to  
16 150.

17 MR. SHIPLEY: And the repast is it fair to say  
18 that the people who are going to the service are the same  
19 people who will be showing up at the repast?

20 MR. STRICKLAND: Yes. Yes.

21 MR. SHIPLEY: And is it fair to say that the  
22 people who show up at the repast will be fewer or about the  
23 same?

24 MR. STRICKLAND: Will be fewer.

25 MR. SHIPLEY: Be fewer. Okay.

1 MS. MCNEIL: Excuse me.

2 MR. SHIPLEY: Yes?

3 MS. MCNEIL: That's what you've experienced?

4 MR. STRICKLAND: Yes.

5 MS. MCNEIL: That's on your own, okay.

6 MR. STRICKLAND: Yes.

7 MS. MCNEIL: Because I know --

8 MR. SHIPLEY: Yes.

9 MS. MCNEIL: -- plenty of funerals where people

10 just show up at the repast.

11 UNIDENTIFIED PERSON: Yeah, right?

12 MS. MCNEIL: Okay.

13 MR. SHIPLEY: Only show up at the repast.

14 (Discussion off the record.)

15 MR. SHIPLEY: And you have experience in, you

16 know, Enterprise Road really is not designed to accommodate

17 on street parking.

18 MR. STRICKLAND: Correct.

19 MR. SHIPLEY: Neither is Belvedere.

20 MR. STRICKLAND: Correct.

21 MR. SHIPLEY: Neither is Chantilly.

22 MR. STRICKLAND: Correct.

23 MR. SHIPLEY: So you don't anticipate, do you

24 anticipate that you can control that not to happen?

25 MR. STRICKLAND: Yes, I can control that during

1 the arrangement process.

2 MR. SHIPLEY: And the engineering witness said  
3 that your parking is separately accommodates both uses.

4 MR. STRICKLAND: Uh-huh.

5 MR. SHIPLEY: Even though typically they won't be  
6 used at the same time?

7 MR. STRICKLAND: No, they will not be used at the  
8 same time.

9 MR. SHIPLEY: Now I think it's page 9 of the  
10 Technical Staff Report, I'd like to show you this paragraph  
11 that the staff writes. The Special Exception Site Plan  
12 notes that the reception hall will be used for funeral  
13 repast between the hours of 12:00 p.m. and 5:00 p.m. and may  
14 be used by nonprofit groups between the hours of 6:00 p.m.  
15 and 8:00 p.m. Monday through Friday parens, no social  
16 events, end parens, then the hours of funeral services  
17 according to the traffic study would be typically between  
18 10:00 a.m. and 3:00 p.m. Are you familiar with that  
19 paragraph?

20 MR. STRICKLAND: Yes, yes.

21 MR. SHIPLEY: And is that based on your experience  
22 as you provide it to your traffic engineer, Mr. Obie George  
23 (phonetic sp.)?

24 MR. STRICKLAND: Yes.

25 MR. SHIPLEY: And you're willing to abide by the



1 condition relative to that that the Staff Report has set  
2 forth?

3 MR. STRICKLAND: Yes.

4 MR. SHIPLEY: Okay. I think that's all  
5 (indiscernible).

6 MS. MCNEIL: And there's a note on the Site Plan  
7 to indicate that or do you have no problem with that?

8 MR. SHIPLEY: I don't think there's --

9 MR. FARRAR: It's not on the Site Plan.

10 UNIDENTIFIED PERSON: It's a condition of  
11 approval.

12 MR. FARRAR: Yes, it's a condition of approval so  
13 it's not on the Site Plan.

14 MR. SHIPLEY: It's on page 17, I think, or 16.  
15 No, it's not.

16 MS. MCNEIL: No, I don't see it.

17 MR. SHIPLEY: It's not. But I would note that  
18 that information basically comes from Mr. George --

19 MS. MCNEIL: Right.

20 MR. SHIPLEY: -- traffic report.

21 MS. MCNEIL: Yes.

22 MR. SHIPLEY: And the staff does note as a  
23 condition which is the law anyway, that this property is not  
24 subdivided.

25 MS. MCNEIL: Yes.



1 MR. SHIPLEY: It's a meets and bounds property.  
2 So it has to go through the subdivision process. And I  
3 think the witness has testified that you're okay to  
4 accommodate those time frames.

5 MR. STRICKLAND: Yes. I was under the impression  
6 that it would be a part of the final --

7 MR. SHIPLEY: Conditions.

8 MR. STRICKLAND: -- you know condition.

9 MR. SHIPLEY: Right.

10 MR. STRICKLAND: Because it's a part of my  
11 conditions on the south side, you know, that we cannot have  
12 any processions or services during rush hour.

13 MR. SHIPLEY: Right.

14 MR. STRICKLAND: And that's not hard for us to,  
15 you know, to follow.

16 MR. SHIPLEY: Right.

17 MR. STRICKLAND: You know because the average wake  
18 is going to start at 10:00, you know, the average funeral  
19 starts at 11:00, we're normally done by 12:30, 1 o'clock,  
20 you know, 1:30 at, at the latest.

21 MR. SHIPLEY: Yes.

22 MR. STRICKLAND: If we go from a funeral home to  
23 repast, let's say we start at 2:00 the average, you know,  
24 the repast is only an hour long. And you know we would have  
25 stipulations as to how long it, you know, could run.

1 MR. SHIPLEY: Right.

2 MR. STRICKLAND: You know, so --

3 MS. MCNEIL: So you would never do, I'm sorry, you  
4 would never do what we call a wake the night before? You  
5 don't typically do that?

6 MR. STRICKLAND: Well right now out of 200 and say  
7 50 cases I do, I might have two a year, you know, and that's  
8 going to be for people that are not your average, you know,  
9 person. And when --

10 MR. FARRAR: I'm sorry, Mr. Strickland. Do you  
11 mean is that like a dignitary --

12 MR. STRICKLAND: Yes. Yes.

13 MR. FARRAR: -- type person? Okay.

14 MR. STRICKLAND: You know, dignitary or situations  
15 where there are masonic rights.

16 MS. MCNEIL: You guys know a lot of people, right.

17 MR. STRICKLAND: Yeah. So --

18 MS. MCNEIL: Fraternity, I mean.

19 MR. STRICKLAND: -- you know so you know by, you  
20 know, a lot, again a lot of churches have changed their  
21 policies in regard to masonic rights and they do not want to  
22 have those masonic rights during the service in the day, you  
23 know, the day of the service. So for those people we let  
24 them come in and have their masonic rights in the evening.  
25 But it's not, you know, like I said it's no more than two or

1 three times a year out of 250 cases.

2 MR. SHIPLEY: Okay. And I did have a couple more  
3 questions on your experience with cuing property,  
4 particularly when you have processions to go to a cemetery.

5 MR. STRICKLAND: Uh-huh.

6 MR. SHIPLEY: And controlling that. People's  
7 Zoning Council was concerned about widening the access to  
8 Belvedere, would that intend to accommodate that situation  
9 better?

10 MR. STRICKLAND: It may accommodate it better as  
11 far as people coming to the service.

12 MR. SHIPLEY: Yes.

13 MR. STRICKLAND: But as far as leaving the  
14 service, you know, we have parking lot staff at all the  
15 services at our funeral home. We're probably the only  
16 funeral home that you know that does that. I can justify  
17 that because you know it must makes it more organized  
18 getting people in, getting them to the, to the empty spots  
19 and then at the end of the service we kind of cue everybody  
20 up in, in the parking lot.

21 MR. SHIPLEY: Yes.

22 MR. STRICKLAND: And you know we have a minimum of  
23 two parking lot personnel, unless we get the cued in the  
24 parking lot you know then we, you know, we escort the  
25 procession out. We normally have two cars with lights on

1 the tops that are part of the funeral procession. So that  
2 alone with the parking personnel, you know, we can get  
3 funerals out you know in a very organized fashion.

4 MR. SHIPLEY: And you make sure people have some  
5 kind of identification that they're --

6 MR. STRICKLAND: Every, every, every car in the  
7 funeral procession has a funeral sticker that goes on your  
8 front rearview mirror.

9 MR. SHIPLEY: And of course then Allentown Road  
10 you've got a four lane urban street with a 30 mile speed  
11 limit, here you have two lanes, Enterprise Road with a 50  
12 mile limit, do you anticipate any problems accommodating  
13 that, would Enterprise be harder, easier or the same in  
14 your anticipation?

15 MR. STRICKLAND: Enterprise would be easier  
16 because it does have the, the island, you know, out front.  
17 And to be honest with you, I think I'm dealing with more  
18 traffic on the south side than I would be dealing with on  
19 the north side. Allentown Road is busier than Enterprise  
20 Road.

21 MR. SHIPLEY: Yes, and Belvedere does not have  
22 left turn access onto Enterprise Road, does it?

23 MR. STRICKLAND: Yes.

24 MR. SHIPLEY: It does.

25 MR. STRICKLAND: Yes.

1           MR. SHIPLEY: And there's a break in the median at  
2 that point?

3           MR. STRICKLAND: Yes.

4           MR. SHIPLEY: And the median ends by the time you  
5 get to Chantilly?

6           MR. STRICKLAND: Yes.

7           MR. SHIPLEY: Okay.

8           MR. STRICKLAND: Uh-huh.

9           MR. SHIPLEY: Okay. That's all the questions I  
10 have.

11           MR. FARRAR: Madam Hearing Examiner, for the  
12 record Bradley Farrar, for the record. On the  
13 recommendation of the staff recommendation on page 16, 1C it  
14 was about providing a note regarding the limitation of  
15 hours. And Mr. Strickland had mentioned that before Mr.  
16 Shipley had mentioned that before, but to place that on the  
17 record I just wanted to be clear that we would provide that  
18 in the plan.

19           MS. MCNEIL: Thank you.

20           MR. FARRAR: Yes.

21           MS. MCNEIL: Mr. Strickland, my question is, well  
22 it's going to be a legal question for you all, so I do want  
23 it addressed at some point. What is this ancillary use in  
24 the use tables because I've heard reception hall, I've heard  
25 community center, you don't have to answer right now but I



1 need to know.

2 MR. STRICKLAND: (Sound.)

3 MS. MCNEIL: No, you can't answer it it's got to  
4 be them.

5 MR. SHIPLEY: Well they Staff Report calls it a  
6 reception --

7 MS. MCNEIL: A reception hall.

8 MR. SHIPLEY: -- hall.

9 MS. MCNEIL: Right. An ancillary reception hall.

10 MR. SHIPLEY: Yes.

11 MR. FARRAR: Yes.

12 MS. MCNEIL: What is that? We can talk about that  
13 later as well.

14 MR. FARRAR: Yes.

15 MS. MCNEIL: But the Zoning Ordinance only speaks  
16 to accessory uses, so is this like a separate standalone  
17 second use, main use or is it an accessory use to the  
18 funeral home? You don't have to answer yet because I  
19 actually have a question for the witness.

20 MR. FARRAR: Okay.

21 MS. MCNEIL: And my question is does staff come up  
22 with you allowing the public to use the whatever we call it,  
23 the community center after hours? Why are we allowing that?  
24 How do we limit that, the use?

25 MR. STRICKLAND: Well, well you know we're



1 allowing that I would propose to allow that for civic  
2 associations, right now in, in meeting with the Enterprise  
3 Road you know Civic Association --

4 MS. MCNEIL: Uh-huh.

5 MR. STRICKLAND: -- we had to go to off of 450 up  
6 by Home Depot whatever that shopping center is called there.  
7 That's quite a distance from you know from where they --

8 MS. MCNEIL: Okay.

9 MR. STRICKLAND: -- actually are.

10 MS. MCNEIL: So it says --

11 MR. STRICKLAND: You know.

12 MS. MCNEIL: -- you being a, and I'm not being  
13 sarcastic here --

14 MR. STRICKLAND: Uh-huh.

15 MS. MCNEIL: -- you being wanting to be a great  
16 neighbor there.

17 MR. STRICKLAND: Correct.

18 MS. MCNEIL: No one asked it of you?

19 MR. STRICKLAND: No. No.

20 MS. MCNEIL: No government entity?

21 MR. STRICKLAND: No. No.

22 MS. MCNEIL: The only reason I bring that up if  
23 this is an accessory use I'm not so sure, okay, I think it  
24 is customary to have repast if you can. I'm not so sure  
25 it's also customary to a funeral home to have civic groups.

1           MR. SHIPLEY: I looked at that actually for  
2 another client way up in Beltsville I don't think they'll be  
3 competing, but I looked at that and as far as I can discern  
4 from the ordinance and I've talked to a couple staff people  
5 they don't feel that it's a problem and the ordinance  
6 doesn't say, this ordinance really doesn't anticipate  
7 ancillary uses but an ancillary use is defined as something  
8 that's complimentary to the principal use, and it  
9 accommodates it in that sense like having a restaurant and a  
10 pool table room or a game room doesn't turn it into a  
11 stadium or anything. It's an ancillary use and the only  
12 thing the ordinance identifies in terms of a funeral home is  
13 that if you want to have a crematorium. That is a --

14           MR. BROWN: That's a separate use.

15           MR. SHIPLEY: -- separate and include a special  
16 exception.

17           MS. MCNEIL: Right. And I think you also have to  
18 mention the chapels on here, given some other funeral homes  
19 that I've approved because that's why I had to question --

20           MR. SHIPLEY: Yes.

21           MS. MCNEIL: -- I didn't see --

22           MR. SHIPLEY: Many --

23           MS. MCNEIL: -- I mean there's no problem with it,  
24 but I think --

25           MR. SHIPLEY: Right.

1 MS. MCNEIL: -- the Site Plan or something should  
2 mention that the chapels are there as well.

3 MR. SHIPLEY: Yeah.

4 MS. MCNEIL: But not to prolong this, because  
5 you've got witnesses. You'll have to do more than tell me  
6 why the civic groups need to be there. They're not even  
7 there in the same hours. So now what are the hours that  
8 they'll come and then which use becomes the primary --

9 MR. SHIPLEY: Well --

10 MS. MCNEIL: -- because again we don't speak to  
11 ancillary exactly, we speak to accessory and they're defined  
12 pretty much the same so it still shouldn't be, it shouldn't  
13 become the main use in hours or use or size.

14 MR. FARRAR: And again, Mr. Strickland can testify  
15 to this, it won't be the main use and it was something that  
16 Mr. Strickland thought would be beneficial to the community  
17 as it was extremely difficult for us to meet with the  
18 community groups over the years. But again, the hours I  
19 think would be limited to outside of you know 6:00 to 9:00  
20 p.m. --

21 MR. SHIPLEY: 6:00 to 8:00.

22 MR. FARRAR: -- 6:00 to 8:00.

23 MS. MCNEIL: Okay. Let me say it this way. I  
24 would like some legal argument with support if you all want  
25 the civic groups to come. I'm just telling you what I'm

1 thinking.

2 MR. SHIPLEY: You'd like the legal argument and  
3 pray (indiscernible).

4 MS. MCNEIL: No, I don't want the off the cuff  
5 legal argument, go ahead.

6 MR. BROWN: Well no, I think they can give a legal  
7 argument, but I don't have a problem with it. I mean the  
8 statement of justification says for nonprofit use.

9 MR. STRICKLAND: Right, yeah.

10 MR. BROWN: You're not going to be renting it out.

11 MR. STRICKLAND: I can undercharge.

12 MR. BROWN: And so I mean it's a building what do  
13 we call --

14 MS. MCNEIL: Okay. Then I've heard you all's  
15 arguments. I'm just strictly a legal what an accessory use  
16 is.

17 MR. SHIPLEY: I rely on --

18 MS. MCNEIL: And I allowed a reception hall I can  
19 see that as the accessory use. But I can't see the  
20 community, but I'll continue my research and I'm sure you  
21 will --

22 MR. FARRAR: Yes.

23 MS. MCNEIL: -- having heard what I said --

24 MR. FARRAR: Yes.

25 MS. MCNEIL: -- (indiscernible).

1 MR. SHIPLEY: We just heard the legal authority on  
2 the subject.

3 MS. MCNEIL: Pardon me?

4 MR. SHIPLEY: We just heard the leading authority  
5 on the subject.

6 MS. MCNEIL: Oh right, yes, you have.

7 MR. BROWN: Yes, she kicks me under the table.

8 MS. MCNEIL: Right. I can't do any more questions  
9 of this witness. Do you all?

10 REV. MOYER: I do.

11 MR. BROWN: Go ahead. Go ahead.

12 REV. MOYER: You said you were expecting about  
13 four to give funerals earlier when we talked you said about  
14 two to three, we had that conversation. So which is it, is  
15 it two to three or four to five?

16 MR. STRICKLAND: Four, four to give is what I'm  
17 doing now.

18 REV. MOYER: Okay.

19 MR. STRICKLAND: In on the south side.

20 REV. MOYER: Okay. So what are your projections  
21 for when you come there, is it four to five or is it two to  
22 three?

23 MR. STRICKLAND: Initially I'd say two, two to  
24 three. You know, because like I said it's, you know,  
25 projections is just, just that, just, just as a projection.



1 REV. MOYER: Okay.

2 MR. STRICKLAND: Right.

3 REV. MOYER: So but you said four to five for the  
4 record, so that's, that's why I wanted clarification.

5 MR. STRICKLAND: Uh-huh.

6 REV. MOYER: The other thing is you said about,  
7 again about the different uses of the, I guess the reception  
8 hall. Is this going to be, I want to be clear is this going  
9 to be like social parties in the afternoon, in the evening  
10 or is this nonprofit meetings? I'm a nonprofit --

11 MR. STRICKLAND: Yeah.

12 REV. MOYER: -- so okay and when I know in the  
13 past when our community had meetings with people we go up to  
14 the church across the street on the other side of Enterprise  
15 Road. So is this going to be for social use and parties as  
16 well?

17 MR. STRICKLAND: I've been very explicit it's only  
18 going, you know, now I, I call it a repast center because  
19 from my perspective that's all it's going to be used for,  
20 you know, is repast for services that I, you know, families  
21 that I service --

22 REV. MOYER: Uh-huh.

23 MR. STRICKLAND: -- could have some place to go to  
24 eat after the service. Now personally I don't like the idea  
25 of food and remains in the same building, which is why we



1 have two separate buildings, and that's for, you know,  
2 hygienic reasons. So you know so, so that's, you know and,  
3 and, and that's kind of where the industry is going when you  
4 can afford it and when you have the property size that can  
5 accommodate it. And you know so that's why I want to offer  
6 this in Prince George's County because Prince George's  
7 County as far as the black community is, is, is a very  
8 unique county. The richest black county in America, you  
9 know, and I want that county to have the best of  
10 accommodations, you know but I want to do it in such a way  
11 that it's not an issue for the surrounding community you  
12 know and I appreciate the fact that the surrounding  
13 community is considering allowing me to do that. Which is  
14 why I've been so open about you know if, if any, you know if  
15 your civic association wanted to come in or Enterprise Road  
16 you know wanted, wanted to come in, never been any thought  
17 of charging, you know, it's just trying to be a good  
18 neighbor, you know. You know, so you know I, I appreciate  
19 the opportunity to have gotten this far, you know, with the  
20 application, so but you know I, you know, I'm, I'm listening  
21 to what she's saying and I'm like this is --

22 MS. MCNEIL: I'm listening to all of you --

23 MR. STRICKLAND: -- but --

24 MS. MCNEIL: I haven't premade up my mind I just  
25 wanted them to know that that had been a question in my

1 mind.

2 MR. STRICKLAND: Right. Right. Right. You know  
3 I mean but it's only from the point of view of, of trying to  
4 be a good neighbor, you know since, since I've got the  
5 facilities there, you know, just, and, and if the  
6 surrounding community wanted to use it for very small  
7 meetings, the meetings that I went for the Enterprise Road  
8 and the other Civic Associations been like 15 to 20 people,  
9 you know, which is not a lot of people.

10 MS. MCNEIL: And see, and that would allay more  
11 of the concerns but the way it's worded now --

12 MR. STRICKLAND: Uh-huh.

13 MS. MCNEIL: -- a lot of people are nonprofits and  
14 they could bring --

15 MR. STRICKLAND: Well --

16 MS. MCNEIL: -- 75 people right in peak hour that  
17 we're trying to avoid.

18 MR. STRICKLAND: Yeah. Well, you know, you know  
19 I'm, I'm aware that the conditions and any approvals would  
20 be on me personally or, or business personally. You know,  
21 so I'm, you know I'm not going to allow things to get out of  
22 hand, you know, and I've been very, you know very specific  
23 from, you know, from my point of view for repast only. No  
24 wedding receptions, no social gatherings, nothing outside of  
25 funeral and repast, you know because number one I don't want

1 to have to get into hiring police officers --

2 (End of Tape One)

3 MR. STRICKLAND: -- to you know to be there and  
4 get into insurance issues that's going to come up when you  
5 start having social type situations.

6 MS. MCNEIL: And Mr. Strickland, I don't doubt  
7 you, you seem like a very honest, successful businessman,  
8 but when we approve zoning it's forever.

9 MR. STRICKLAND: Right.

10 MS. MCNEIL: So it doesn't have to be you.

11 MR. STRICKLAND: Right, right, right.

12 MS. MCNEIL: So that's why there would have to be  
13 some conditions.

14 MR. STRICKLAND: You know, but I would have no  
15 problems of being specific in the conditions --

16 MS. MCNEIL: Okay.

17 MR. STRICKLAND: -- you know that would, that  
18 would obligate beyond me.

19 MS. MCNEIL: Okay (indiscernible).

20 MR. BROWN: No.

21 MS. MCNEIL: Okay.

22 REV. MOYER: No more questions.

23 MS. MCNEIL: Okay. Thank you.

24 MR. SHIPLEY: Thank you, Mr. Strickland.

25 MR. STRICKLAND: Thank you.

1 MR. SHIPLEY: I think this is our last witness is  
2 John Ferrante. And I'd like to introduce a copy of his  
3 qualifications.

4 (Discussion off the record.)

5 MR. BROWN: Yes, I'm sorry, Mr. Shipley, I should  
6 have asked this earlier, I didn't see this in the  
7 application. Mr. Strickland, your funeral home business is  
8 it in the name of a corporation, a limited liability company  
9 or a public association?

10 MR. STRICKLAND: Is it public or --

11 MR. FARRAR: Professional.

12 MR. SHIPLEY: Professional association.

13 MR. BROWN: Professional association.

14 MR. FARRAR: Right.

15 MR. SHIPLEY: Yes.

16 MR. BROWN: And who are the owners of the  
17 professional association?

18 MR. STRICKLAND: I'm 100 percent owner.

19 MR. BROWN: 100 percent owner.

20 MR. SHIPLEY: I meant to ask him that also.

21 MR. BROWN: Yes, exactly I forgot. Is it recorded  
22 in SDAT, his professional association?

23 MR. SHIPLEY: Yes.

24 MR. BROWN: All right. Can we get in the record  
25 the SDAT statement that he's in good standing in the State

1 of Maryland?

2 MR. SHIPLEY: Yes.

3 MR. BROWN: All right and in addition, the ethics  
4 davits that are filed he filed it individually?

5 MS. MCNEIL: Number 12 or something.

6 MR. FARRAR: Yes 12, yes.

7 MR. BROWN: Right.

8 MS. MCNEIL: Looks like it's the business.

9 MR. FARRAR: For the business.

10 MR. BROWN: All right. He needs to file one  
11 individually as well.

12 MR. FARRAR: Okay. And just for the record, Mr.  
13 Strickland is purchasing the property as an individual.

14 MR. BROWN: Okay. Well that's between him and Mr.  
15 Singletary.

16 MR. FARRAR: Right, but he's leasing it to the PA.

17 MR. BROWN: And that's why we need the SDAT  
18 certificate of good standing.

19 MR. FARRAR: Right.

20 MR. BROWN: All right.

21 MR. SHIPLEY: We can get that, we can file that.

22 MR. BROWN: Okay.

23 MR. STRICKLAND: And you know, just as an aside,  
24 you know we're, we're required every year to get a  
25 certificate of good standing by the State Board of Mortuary



1 Science. On my personal license as funeral director and on  
2 the establishment license for the funeral home.

3 MR. BROWN: Right. Okay. Great. Thank you.

4 MR. SHIPLEY: Okay. Thank you.

5 MS. MCNEIL: Mr. Ferrante, did I swear you in?

6 MR. FERRANTE: You did not.

7 MS. MCNEIL: Okay. Good morning. Do you swear or  
8 affirm under the penalties of perjury that the testimony you  
9 shall give will be the truth and nothing but the truth?

10 MR. FERRANTE: I do.

11 MR. SHIPLEY: Mr. Ferrante, state your full name  
12 and address.

13 MR. FERRANTE: John Joseph Ferrante, 465 Cross  
14 Creek Drive in Huntingtown, Maryland 20639.

15 MR. SHIPLEY: And your occupation is as a land  
16 planner and your expertise is as a land planner?

17 MR. FERRANTE: That's correct.

18 MR. SHIPLEY: And you have qualified before the  
19 Zoning Hearing Examiner in prior cases as such?

20 MR. FERRANTE: I have.

21 MR. SHIPLEY: I would offer him as an expert in  
22 land planning.

23 MS. MCNEIL: And he will be --

24 MR. BROWN: No objection.

25 MS. MCNEIL: Okay. Thank you. He'll be accepted



1 as an expert in the area of land use planning.

2 MR. SHIPLEY: And as such, Mr. Ferrante, are you  
3 familiar with the proposal that's before the Zoning Hearing  
4 Examiner now?

5 MR. FERRANTE: I am.

6 MR. SHIPLEY: And you've reviewed all the  
7 documents that are in the record?

8 MR. FERRANTE: I have.

9 MR. SHIPLEY: Including the draft traffic report  
10 on Mr. George, Oswan (phonetic sp.) George?

11 MR. FERRANTE: I have, yes.

12 MR. SHIPLEY: And the statement of justification  
13 that was filed with the application?

14 MR. FERRANTE: Yes.

15 MR. SHIPLEY: And you've seen the Site Plan and  
16 you've heard the testimony of the civil engineer describing  
17 the site and the plantings and the size of the buildings and  
18 the frontages and so on and so forth?

19 MR. FERRANTE: Yes, I have.

20 MR. SHIPLEY: And how much frontage does this  
21 property have approximately on Enterprise Road?

22 MR. FERRANTE: I think it's approximately like 590  
23 feet.

24 MR. SHIPLEY: And how about Belvedere?

25 MR. FERRANTE: I'm not certain of Belvedere.

1 MR. SHIPLEY: I think the witness said it was  
2 about 400 square feet.

3 MR. FERRANTE: Okay.

4 MR. SHIPLEY: And calling your attention to the  
5 principal requirement, this property is zoned R-R.

6 MR. FERRANTE: Correct.

7 MR. SHIPLEY: And which ordinarily accommodates  
8 single family homes on half acre lots and a funeral home is  
9 allowed as a special exception in the R-R Zone?

10 MR. FERRANTE: Correct.

11 MR. SHIPLEY: And are you familiar with the  
12 several subdivisions and the revisions of Section 27-317 of  
13 the Prince George's County Zoning Ordinance?

14 MR. FERRANTE: I am. The general special  
15 exception findings.

16 MR. SHIPLEY: And they are the general  
17 requirements for approvals of special exceptions?

18 MR. FERRANTE: Yes.

19 MR. SHIPLEY: And what about the specific  
20 requirements for a funeral home? Are you familiar with  
21 those specific?

22 MR. FERRANTE: Yes, I am.

23 MR. SHIPLEY: Now I assume you're also familiar  
24 with the Technical Staff Report that's been adopted in this  
25 case by the staff?

1 MR. FERRANTE: Yes, I have reviewed it.

2 MR. SHIPLEY: And to your knowledge the Planning  
3 Board did not review this case or hear this case?

4 MR. FERRANTE: That's correct.

5 MR. SHIPLEY: And you're familiar with the  
6 conditions proposed by the Technical Staff Report beginning  
7 on page 16, I guess.

8 MR. FERRANTE: Yes, I am.

9 MR. SHIPLEY: 16 and 17 of the Staff Report.  
10 First of all, do you have a professional opinion with  
11 reference to whether or not this application comports to the  
12 provisions of 27-317?

13 MR. FERRANTE: This application fully meets the  
14 requirements.

15 MR. SHIPLEY: The general requirements?

16 MR. FERRANTE: Yes they do.

17 MR. SHIPLEY: And would you briefly give us the  
18 reasons for that conclusion?

19 MR. FERRANTE: I will. Condition 1 which requires  
20 the use and Site Plan to be in harmony with the purpose of  
21 the subtitle. The statement of justification that was  
22 submitted does break down every individual purpose in 27-102  
23 but they are generally to protect health, safety and welfare  
24 of the public, promote compatibility, relationships between  
25 various land uses, to guide orderly development and to

1 ensure adequate public facilities and services. The  
2 proposed funeral home will fulfill a specific business need  
3 for members of the county and it will generate revenue for  
4 the county as well.

5           The application does fully meet the specific and  
6 general special exception requirements in the County Code  
7 and all of the development criteria and in no way will  
8 threaten health, safety, morals, comfort, welfare of the  
9 residents. Within the published Staff Report staff also  
10 found that the proposed use of the Site Plan to be in  
11 harmony with the purposes of the subtitle.

12           MR. SHIPLEY: And how about any specific  
13 requirements for approval of a special exception for a  
14 funeral home?

15           MS. MCNEIL: Mr. Shipley, may I ask one question  
16 before that?

17           MR. SHIPLEY: Yes.

18           MS. MCNEIL: The staff, the statement of  
19 justification was submitted by a prior attorney, are you  
20 saying you read it and you adopt what's therein?

21           MR. FERRANTE: That's correct. Mr. Todd Pounds  
22 prepared the --

23           MS. MCNEIL: Okay.

24           MR. FARRAR: -- I have reviewed it and I agree  
25 with it.

1 MS. MCNEIL: Thank you. I'm sorry, go ahead, sir.

2 MR. SHIPLEY: All right. Okay. John, the pending  
3 question that I have with reference to the specific  
4 requirements for the funeral home, do you have a  
5 professional opinion as to whether or not we comply with  
6 those?

7 MR. FERRANTE: This site does meet all of the  
8 requirements of the 27-357 and if you would like me to go  
9 through them I would be happy.

10 MR. SHIPLEY: I'd like you to state your reasons  
11 for that.

12 MR. FERRANTE: Absolutely. 27-357(a) requires  
13 that setbacks be 50 feet minimum when adjoining land or  
14 residential land. And in this case we do adjoin land and  
15 residential land and as you can see at Exhibits 14 and 15A  
16 and B, the side and rear yard setbacks of the reception and  
17 the funeral home conform with that requirement. In fact,  
18 the minimum setback for the reception hall is 93 feet and  
19 the minimum setback for the funeral home is 112 feet. So  
20 we're almost double that minimum requirement.

21 In 27-357(a)(2) it requires that the site be a  
22 minimum of one and a half contiguous acres. This site  
23 contains contiguous site area of 7.39 acres.

24 In three, the use shall not depreciate the value  
25 of neighboring properties. In fact, I will address 27-



1 357(a)(3) and (a)(4) at the same time, if that's all right.  
2 One is that shall not depreciate the value of properties and  
3 the other is they shall not adversely affect the character  
4 of neighboring properties.

5 Item Number 10 that's in your exhibit list is a  
6 real estate appraisal that's prepared by Sapperstein and  
7 Associates, LLC in November of 2018. I have reviewed that  
8 and in pages 2 and 27 of that report, the certified general  
9 real estate appraiser who prepares it finds that the  
10 proposed facility will have no detrimental impact on the  
11 value of the properties of the neighborhood. Primarily due  
12 to the design and operational considerations that include  
13 the increased building setbacks, that are in excess of the  
14 County Code, the wide planting strips and buffer areas that  
15 are going to be provided around the perimeter of the  
16 property and that will block the visibility of the adjacent  
17 residential properties. The residential like building  
18 design that's been implemented for the design of the  
19 buildings.

20 The vehicle access only being from the north where  
21 there is no residential development in that immediate  
22 vicinity. Funeral services that only occur during midday so  
23 as not to disrupt rush hour traffic. And no use of the  
24 facility outside of the funeral services and no use of the  
25 facility after 8:00 p.m.



1           That report further found that in the design of  
2 the proposed use of the facility, the applicant has been  
3 careful to mitigate the negative impacts on the neighboring  
4 properties.

5           So the proposed use will be contained entirely  
6 within the subject property, the buffering and surrounding  
7 properties as presented in the statement of justification  
8 and the real estate report, will implement design and  
9 operational measures so the use will be in harmony with the  
10 surrounding development without depreciating the neighboring  
11 property values.

12           In Finding 5, the use shall not create undue  
13 traffic congestion. The applicant has submitted a traffic  
14 impact analysis that was dated October 10, 2019, and was  
15 prepared by O.R. George and Associates. The traffic impact  
16 study does consider the proposal and its impact on the road  
17 network in the vicinity of the site. The transportation  
18 planning section found the findings and conclusions in the  
19 study and the onsite circulation to be acceptable if the  
20 application is approved with conditions.

21           Should the subject application obtain approval of  
22 the Special Exception, the Preliminary Plan of Subdivision  
23 will also be required prior to the approval of any building  
24 permits. A revised traffic study will be submitted at that  
25 time and further reviewed to ensure transportation adequacy.

1                   And those are the specific special exception  
2 findings.

3                   MR. SHIPLEY: And you're familiar with the site  
4 and you're familiar with the surrounding community?

5                   MR. FERRANTE: I am.

6                   MR. SHIPLEY: And the site is on the south side of  
7 the site and the west side of the site primarily is a  
8 substantial number of single family homes that are very nice  
9 homes and very well maintained homes. And they deserve to  
10 be protected from noise and view scapes and things like  
11 that. Do you think that the Site Plan has gone over by Mr.  
12 Walubita of Ben Dyer accommodate the need to do that?

13                  MR. FERRANTE: I do agree that the Site Plan does  
14 and I think the staff found that as well.

15                  MR. SHIPLEY: Yes.

16                  MR. FERRANTE: That generally the funeral home use  
17 itself is somewhat of a low impact type use and the planting  
18 strips that they're going to have fully comply with Section  
19 4.7 of the Landscape Manual as far as buffering incompatible  
20 uses.

21                  MR. SHIPLEY: And you've reviewed the conditions,  
22 the recommendations of the staff for approval with  
23 conditions and there's conditions as set forth on pages 16  
24 and 17 of the Staff Report, do you agree with all of those  
25 conditions? Do you think that they are correct from the

1 standpoint of a technical interpretation of the Zoning Code  
2 and the sign regulations?

3 MR. FERRANTE: I agree with all the conditions but  
4 Condition 1B which is back to the sign area and I'll try to  
5 frame my argument on that as easily as possible because I  
6 think the staff used an interpretation in the sign code of  
7 where to go to determine what the maximum sign area would be  
8 for this. And in fact, it's in finding 10 of page 14 of the  
9 Staff Report. The staff opines that the freestanding sign  
10 is subject to 27-615, which is actually nonresidential uses  
11 in a residential or R-M-H Zones and therefore the allowed  
12 signage should be based on the least intensive commercial  
13 zone in which this nonresidential use would be allowed.  
14 Which in this case would be the C-O Zone which allows a  
15 funeral parlor by special exception. Therefore, they  
16 concluded that the sign should be limited to 25 square feet  
17 based on that.

18 However, Section 27-614(c)(2) states that in the  
19 C-O Zone on a lot having frontage on a divided highway with  
20 an existing right-of-way of at least 100 feet, the maximum  
21 sign shall be 50 square feet. This proposed use is located  
22 on a divided highway, it has a 150 foot wide ultimate right-  
23 of-way width and I will say in reviewing the property it has  
24 almost 600 feet of street frontage and a 25 square feet sign  
25 is not a very adequate sign to properly identify the

1 property and as a result, I'm not in agreement with that  
2 condition 1B.

3 MR. BROWN: Well, Mr. Ferrante, I mean I agree  
4 with you 25 feet is ridiculously small. But you just said  
5 that 27-614 as an exception requires the property to be in  
6 the C-O Zone, is that what I heard you say?

7 MR. FERRANTE: It's the same methodology that the  
8 staff used in determining --

9 MR. BROWN: No, I don't --

10 MR. FERRANTE: -- yes, in determining the sign  
11 requirement.

12 MR. BROWN: I don't have a problem with the  
13 methodology but 614 would not be applicable because this  
14 property is not in the C-O Zone.

15 MR. FERRANTE: What puts us in the C-O Zone is  
16 that the requirement that they're looking at, the least  
17 intensive commercial zone a funeral home is permitted.

18 MR. BROWN: Yes.

19 MR. FERRANTE: And that's where they based their  
20 25 square foot on, was that that was a C-O Zone was the  
21 least intensive zone. That's what's putting us in the C-O  
22 Zone.

23 MR. BROWN: Oh so they chose the C-O Zone?

24 MR. FERRANTE: They did.

25 MR. BROWN: 614 does not identify C-O Zone.

1 MR. FERRANTE: It does, 614 does identify the C-O  
2 Zone.  
3 MR. BROWN: Do you have 614 in front of you?  
4 MR. FERRANTE: I --  
5 MR. FARRAR: We've got it.  
6 MR. BROWN: May I see it?  
7 MR. FERRANTE: Yes.  
8 MS. MCNEIL: I'm pretty sure it didn't change.  
9 MR. FERRANTE: Yes, 614 --  
10 MS. MCNEIL: But that's not the current, right?  
11 MR. FERRANTE: -- 614 starts with in the C-O Zone.  
12 MS. MCNEIL: And you might as well show 615 as  
13 well because that's where the staff start.  
14 MR. FARRAR: That's the exact --  
15 MR. BROWN: Yes, give us 614 and 615.  
16 (Discussion off the record.)  
17 MR. BROWN: Now Mr. Ferrante you were looking at  
18 27-614(a)(2) correct?  
19 MS. MCNEIL: C-2.  
20 MR. FERRANTE: C-2.  
21 MR. BROWN: Okay. I understand your reasoning.  
22 MR. FERRANTE: Thank you.  
23 MR. BROWN: No other questions.  
24 MS. MCNEIL: Any other questions?  
25 MR. SHIPLEY: I agree with you.



1 MR. BROWN: That's it.

2 MS. MCNEIL: You finished?

3 MR. BROWN: No more questions of that witness?

4 MR. SHIPLEY: I think I better be. Sometimes you  
5 can ask too many questions, can't you?

6 MR. FERRANTE: If I could just say we are in  
7 agreement with the eight foot height limitation and setback  
8 for the record.

9 MR. SHIPLEY: Actually when Mr. Walubita  
10 testified, you didn't consult with him about how he arrived  
11 at determining the sign could be up to 50 square feet --

12 MR. FERRANTE: No.

13 MR. SHIPLEY: -- when he did the sign. So you  
14 reached your conclusion independent?

15 MR. FERRANTE: After reviewing the Staff Report,  
16 yes.

17 MR. SHIPLEY: Yes.

18 MS. MCNEIL: If you had to tell me what the use  
19 is, what the accessory use is on this site, what would you  
20 call it?

21 MR. FERRANTE: I do think it's, you know, I tend  
22 to think of this type of use more as an institutional use.  
23 I mean, you know, that's where my head categorizes it. But  
24 I think it's an accessory or --

25 MS. MCNEIL: What will you call it? Well okay let



1 me back up. As an accessory use would it require a use and  
2 occupancy permit or not?

3 MR. FERRANTE: I think every individual building  
4 requires a use and occupancy permit.

5 MR. SHIPLEY: Sure.

6 MS. MCNEIL: Okay.

7 MR. FERRANTE: But I think it would be part --

8 MS. MCNEIL: So what do they call it over there?

9 MR. FERRANTE: -- I think it's part of the funeral  
10 home operation. I just don't think it functions under --

11 MS. MCNEIL: You don't think they'll put another  
12 name on it? You don't think they'll call it a community  
13 hall?

14 MR. FERRANTE: I mean it's possible that they  
15 could call it a reception hall. I'm not quite sure exactly  
16 what DPIE would label it as.

17 MS. MCNEIL: Actually, if you attach it with some  
18 type of walkway with a cover.

19 MR. FERRANTE: Right. Right. But I definitely  
20 think it's an accessory to the use.

21 MS. MCNEIL: Okay. Do you have questions of this  
22 witness? No. Did you have questions of anybody I never did  
23 give you a chance. Or you just say something at the end,  
24 you're not asking questions?

25 UNIDENTIFIED FEMALE PERSON: No.

1 MS. MCNEIL: Okay. Everyone's good. Thank you,  
2 sir.

3 MR. FERRANTE: Thank you.

4 MS. MCNEIL: And you'd like to come up now?

5 MR. SHIPLEY: Would you like to come up and say  
6 something?

7 UNIDENTIFIED FEMALE PERSON: Yes.

8 MS. MCNEIL: So state your name and address for  
9 the record.

10 MS. LIGGINS: My name is Janice Liggins and I'm,  
11 my address is 11704 Whittier Road, Mitchellville, Maryland.

12 MS. MCNEIL: Ms. Liggins, do you swear or affirm  
13 under the penalties of perjury that the testimony you shall  
14 give will be the truth and nothing but the truth?

15 MS. LIGGINS: Yes.

16 MS. MCNEIL: (Sound) what would you like to say  
17 about this request?

18 MS. LIGGINS: I am President of the Enterprise  
19 Estate Civic Association and we were approached by Mr.  
20 Singletary years ago about his intention to sell the  
21 property, he's been a great neighbor for 30, 40 some years,  
22 since I've been there. And one of the proposed purchasers  
23 was Mr. Strickland and he introduced us, we had Mr.  
24 Strickland come out to our meetings four different times and  
25 we had four votes. So I'm, I have no objection, we did

1 votes that we took as an association, was to show those who  
2 were opposed and to show those who were not opposed and  
3 after four votes every vote was not opposed. So I just  
4 wanted to make sure that that was stated for the record.  
5 Mr. Strickland does come across as a very professional  
6 business person forthright and we've never done business you  
7 know with his funeral home, but we're expecting him to keep  
8 his word.

9 MR. BROWN: No questions, thank you.

10 REV. MOYER: As I said, I'm Raycena Moyer --

11 MS. MCNEIL: Okay. Did you have any questions of  
12 Ms. Liggins?

13 REV. MOYER: No. No, I don't have any questions  
14 of her.

15 MS. MCNEIL: Okay. Thank you, Ms. Liggins.

16 MS. LIGGINS: Thank you.

17 MS. MCNEIL: Ms. Moyer, do you swear or affirm --

18 MR. FARRAR: I think we have Mr. Singletary.

19 MS. MCNEIL: Oh, I'm sorry. I'm sorry, they have  
20 one more. Mr. Singletary you want to?

21 MR. FARRAR: Do you want to say anything, Mr.  
22 Singletary?

23 UNIDENTIFIED PERSON: Do you want to say anything?

24 MR. SINGLETARY: No, I mean (indiscernible).

25 MR. FARRAR: He doesn't want to say anything.

1 MS. MCNEIL: Okay.

2 MR. FARRAR: He's just here.

3 MS. MCNEIL: Okay.

4 (Discussion off the record.)

5 MS. MCNEIL: Ms. Moyer?

6 REV. MOYER: Yes.

7 MS. MCNEIL: I want to say it right.

8 REV. MOYER: Yes.

9 MS. MCNEIL: Ms. Moyer, do you swear or affirm  
10 under the penalties of perjury that the testimony you shall  
11 give will be the truth and nothing but the truth?

12 REV. MOYER: Yes.

13 MS. MCNEIL: Please state your full name and  
14 address for the record.

15 REV. MOYER: My name is Raycena Moyer, and I live  
16 in 10907 Sunflower Court and we, in Mitchellville, Maryland.  
17 We live in, I live in the Clearfield Estates right behind  
18 Enterprise Estates which is about another 100 homes. We did  
19 not know or I have never known about Mr. Strickland coming  
20 to put a nursing, a funeral home in our community until  
21 maybe several months ago, but we never received any letters,  
22 the first sign I saw was this last couple of weeks. So  
23 that's why I am here today.

24 So our community was Clearfield Estates which sits  
25 right behind Enterprise Estates, we've never had Mr.

1 Strickland come in to talk to our community whatsoever that  
2 I am aware of, and I've attended a number of our community  
3 association meetings.

4           So but let me just say also I would like to say I  
5 applaud Mr. Strickland because I do agree with him as far as  
6 funerals are concerned and how churches are relating to  
7 people as far as having services at their churches. I am a  
8 minister myself, so I can attest to what he is saying, more  
9 people are going to funeral homes. I am very pleased to  
10 what I've seen today, just even in my questions and him  
11 answering me but I still have a lot more things about the  
12 traffic concern which is our main concern.

13           Enterprise Estates and Clearfield Estates a lot of  
14 elderly people there, right now to get in of our community  
15 most of us have to wait a long distance to come out of  
16 Enterprise Road. We are now having to come out of Belvedere  
17 which is going to be the entrance in and out of that place.  
18 We have to sit and wait and cross over a street. My elderly  
19 mother who is 87 years old, we don't let her drive now  
20 because she has to cross over that street to get out, so  
21 that's a real concern of ours and I'd like to say that on  
22 the record.

23           MR. BROWN: Just so you know, Ms. Moyer --

24           REV. MOYER: Uh-huh.

25           MR. BROWN: -- the applicant is required to post



1 the property on the frontages of Belvedere and Enterprise  
2 Road. They are only required to send written notice to  
3 adjacent property owners and to civic associations that have  
4 registered with the Park and Planning Commission. Is  
5 Clearview Association registered with the Park and Planning  
6 Commission?

7 REV. MOYER: I do not know if our President has  
8 registered.

9 MR. BROWN: They probably are not, and so what you  
10 need to do is if you have a chance today, go up to the  
11 fourth floor and ask for the form that registers a civic  
12 association or other nonprofit as an entity that will  
13 receive notice of zoning applications in your community.  
14 And then anytime there's any development in the general  
15 vicinity of your civic association you would get a written  
16 notice that X property is proposed here is the hearing date.

17 REV. MOYER: Thank you.

18 MR. BROWN: Thank you.

19 MS. MCNEIL: And you remind me of one other thing  
20 along that line that you didn't touch on, just in case this  
21 comes up at a council hearing. Because there was a prior  
22 application any persons of record would have been notified  
23 from that application. However, that was more than 10 years  
24 ago, so even that's not done in this case.

25 MR. SHIPLEY: Right.



1 MR. BROWN: Right.

2 MS. MCNEIL: Okay.

3 MR. FARRAR: We don't have any questions for Ms.  
4 Moyer.

5 UNIDENTIFIED PERSON: Did you want to ask  
6 something else or say something?

7 MR. BROWN: No, I wasn't saying anything. But no,  
8 I was just going to say Mr. Singletary, you know my  
9 properties have not looked good since you stopped doing all  
10 my flowers, man I mean, you know you always kept them up for  
11 years and then you just abandoned me. But it's good to see  
12 you, man, it's been a while.

13 MS. MCNEIL: And just so everyone else knows he  
14 has nothing to do with writing a decision, so it doesn't  
15 matter that he's clearly biased.

16 MR. BROWN: That's right. That's right.

17 MS. MCNEIL: Okay. So any other witnesses?

18 MR. SHIPLEY: No.

19 MS. MCNEIL: Okay. So then I thank you all for  
20 coming. We left the record open for elevations of all sides  
21 of both buildings --

22 MR. SHIPLEY: Yes.

23 MS. MCNEIL: -- but they should match what we have  
24 in Exhibit 20A and B.

25 MR. SHIPLEY: Right.

1 MS. MCNEIL: The State Department of Assessment  
2 and Taxation information on the professional association and  
3 the individual ethics affidavit for Mr. Strickland.

4 MR. FARRAR: Yes.

5 MR. BROWN: That's it.

6 MS. MCNEIL: That's it?

7 UNIDENTIFIED PERSON: That's it.

8 MS. MCNEIL: Okay. And I thank you all for being  
9 here.

10 MR. SHIPLEY: Thank you very much.

11 MR. FARRAR: Thank you.

12 (Whereupon, the hearing was concluded.)  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the  
attached pages represent an accurate transcript of the  
electronic sound recording of the proceedings before the  
Prince George's County Office of the Zoning Hearing Examiner  
in the matter of:

STRICKLAND FUNERAL HOME

Case No. SE-4795

By:

*Diane Wilson*

---

Diane Wilson, Transcriber